



SOCORRO COUNTY SHERIFF'S OFFICE

STANDARD OPERATING PROCEDURES MANUAL

ACKNOWLEDGEMENT FORM

I have received a copy of the Socorro County Sheriff's Office policies and procedures manual on _____ (date). I agree to keep the manual in good condition, and to update or revise it as ordered. I further understand that the manual is the property of the Socorro County Sheriff's Office and that I must return it when ordered by the Sheriff.

Name (print) _____

Signature _____

Date _____

PREFACE

Law enforcement agencies provide essential services to citizens to foster safe communities through crime reduction and deterrence. Law enforcement administrators train, supervise, and guide their personnel in performing a variety of tasks which help create safe communities. Solid training and policy bolsters employee confidence and competence in performing tasks while reducing vulnerability to liability.

To achieve its objectives, the Office of the Sheriff must develop sound, written directives and govern activities accordingly. Written directives include all written guidance issued by an appropriate authority. Written directives help Sheriff's Office employees perform their jobs with confidence that they meet management's expectations. Through consistently applied and regularly revised orders, management can reduce employees' doubts, confusion, anxiety, and distrust.

The Sheriff is the Sheriff's Office policymaker. The Sheriff on a yearly basis will review Office of the Sheriff policies with command staff.

The manual is a collection of rules and regulations and general orders of the Office of the Sheriff. This manual is divided into two components: rules and regulations, and general orders.

A rule and regulation, which contains rules primarily, is an administrative order governing organizational matters, e.g., leave policy, off-duty employment, and promotions. Rules and regulations are numbered consecutively "1-*" in this manual.

A general order, which primarily contains procedures, is an administrative order governing operational matters, e.g., use of force, transportation of prisoners, or searches and seizures. General orders are numbered consecutively "2-*" in this manual.

Policy is a statement of the Sheriff's Office philosophy on a given issue. Policy consists of principles and values which guide the performance of Office of the Sheriff employees.

No rule and regulation or general order is valid unless signed by the Sheriff.

Within the context of any directive, the use of the word "shall" denotes an action or behavior that is mandatory and unequivocal. The words "may" or "can" denote an action or behavior that is optional.

Any member of the Sheriff's Office may suggest or recommend change to the Sheriff concerning the policy manual.

This Manual is designed for all employees of the Socorro County Sheriff's Office.

FOREWORD

The policy manual is the property of the Socorro County Sheriff's Office and shall be returned when employees terminate their employment. Further, members shall not show the manual to anyone other than Sheriff's Office personnel, unless otherwise directed by a supervisor. This manual cannot cover every aspect of law enforcement work or provide guidance in handling every possible situation. Rather, members will have to use experience, training, and good judgment to decide the best and safest way of handling any problem.

This manual, once issued to the employee is required to be with them while on duty and is subject to inspection by any supervisor at any time while the employee is on duty. It should be kept in an area that is readily available to the employee during most of their shift. For example a deputy should keep the manual in their vehicle, or detective would keep the manual in his/her Office. The manual will be kept in manner to keep it from getting damaged (in other words not thrown in the trunk of a vehicle).

I shall vigorously enforce the rules of this manual; I expect members of the Sheriff's Office to observe them. I will review each violation, if necessary and determine any disciplinary action. Although much law enforcement work is left to members' discretion, if any employee departs from the provisions herein, he or she must demonstrate that his or her action was necessary.

I shall issue each member of the Sheriff's Office with a copy of this manual, hereinafter called the Socorro County Sheriff's Office policy manual. Members shall keep it in good condition and make deletions or additions as ordered.

Whenever members doubt the meaning or intent of a rule, policy, or procedure, they shall seek an interpretation or explanation from their supervisor.

All previously issued rules, policies, and procedures inconsistent or in conflict with this manual are hereby revoked.

Much research and preparation were performed in constructing this manual. I hope it will help you to understand what I expect of your performance as a law enforcement professional.

William Armijo
Sheriff

Date

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SUBJECT: Oath of Sheriff's Office	NUMBER: 1-1.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 04-03-2018
NMMLEPSC STANDARDS: ADM.01.01	APPROVED: Sheriff

I. POLICY

All personnel, prior to assuming sworn status, must take and subsequently abide by an oath of Sheriff's Office to enforce the law and to uphold the Constitution of the United States and the State of New Mexico.

II. RULES AND PROCEDURES

The Oath of Sheriff's Office differentiates the Deputy Sheriff from the civilian. It imposes levels of accountability and responsibility on the deputy that are not made of the general public.

III. FORMAT

The oath consists of:

OATH OF SHERIFF'S OFFICE

State of New Mexico

County of Socorro

I, _____ having been appointed or retained on the _____ day of _____, 20__ to the Sheriff's Office of Deputy Sheriff in the County of Socorro, State of New Mexico, do solemnly swear that I will support the Constitution of the United States and the Constitution and the laws of the State of New Mexico and faithfully and impartially discharge the duties of the Office of Deputy Sheriff to the best of my ability, so help me God.

William Armijo, Socorro County Sheriff

Deputy Sheriff

Subscribed and sworn to before me on this _____ day of _____ A.D. _____

My Commission Expires: _____

Notary

SUBJECT: Code of Ethics	NUMBER: 1-2.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 04-03-2018
NMMLEPSC STANDARDS: ADM.01.02	APPROVED: Sheriff

I. POLICY

Ethical behavior by employees of this Sheriff's Office is imperative in maintaining the trust and respect of the citizens within this community. Should this trust or respect ever be compromised for allegations of unethical conduct, a full scale internal investigation will be initiated and vigorously pursued. An internal investigation will serve to uncover any alleged Police practices/behavior which are considered to be undesirable or dispel any citizen speculation of its existence.

II. RULES AND PROCEDURES

All sworn deputies are required to abide by the Law Enforcement Code of Ethics and understand the importance of the Law Enforcement Code of Ethics as it pertains to their role.

LAW ENFORCEMENT CODE OF ETHICS

- a) The Socorro County Sheriff's Office has adopted the law enforcement Code of Ethics as published by the International Association of Chiefs of Police. All Sworn deputies of this Sheriff's Office shall abide by this code of ethics.
- b) A Socorro County Sheriff's Deputy acts as an official representative of government who is required and trusted to work within the law. The Deputy's powers and duties are conferred by statute. The fundamental duties of a deputy include serving the community; safeguarding lives and property; protecting the innocent; keeping the peace; and ensuring the rights of all to liberty, equality and justice.
- c) A deputy shall perform all duties impartially, without favor or affection or ill will and without regard to status, sex, race, religion, political belief or aspiration. All citizens will be treated equally with courtesy, consideration and dignity.
- d) Deputies will never allow personal feelings, animosities or friendships to influence official conduct. Laws will be enforced appropriately and courteously and, in carrying out their responsibilities, deputies will strive to obtain maximum cooperation from the public. They will conduct themselves in appearance and Sheriff's Office in such a manner as to inspire confidence and respect for the position of public trust they hold.
- e) A deputy will use responsibly the discretion vested in the position and exercise it within the law. The principle of reasonableness will guide the deputy's determinations and the

deputy will consider all surrounding circumstances in determining whether any legal action shall be taken.

- f) Consistent and wise use of discretion, based on professional policing competence, will do much to preserve good relationships and retain the confidence of the public. There can be difficulty in choosing between conflicting courses of action. It is important to remember that a timely word of advice rather than arrest – which may be correct in appropriate circumstances – can be a more effective means of achieving a desired end.
- g) A deputy will never employ unnecessary force or violence and will use only such force in the discharge of duty as is reasonable in all circumstances.
- h) Force should be used only with the greatest restraint and only after discussion, negotiation and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every deputy will refrain from applying the unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhuman treatment of any person.
- i) Whatever a deputy sees, hears or learns of, which is of a confidential nature, will be kept secret unless the performance of duty or legal provision requires otherwise.
- j) Members of the public have a right to security and privacy, and information obtained about them must not be improperly divulged.
- k) A deputy will not engage in acts of corruption or bribery, nor will a deputy condone such acts by others.
- l) The public demands that the integrity of law enforcement Officers be above reproach. Deputies must, therefore, avoid any conduct that might compromise integrity and thus undercut the public confidence in a law enforcement agency. Deputies will refuse to accept any gifts, presents, subscriptions, favors, gratuities or promises that could be interpreted as seeking to cause the deputy to refrain from performing official responsibilities honestly and within the law. Deputies must not receive private or special advantage from their official status. Respect from the public cannot be bought; it can only be earned and cultivated.
- m) Deputies will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.
- n) A deputy or agency may be one among many organizations that may provide law enforcement services to a jurisdiction. It is imperative that a deputy assist colleagues fully and completely with respect and consideration at all times.
- o) Deputies will be responsible for their own standard of professional performance and will take every reasonable opportunity to enhance and improve their level of knowledge and competence. Through study and experience, a deputy can acquire the high level of knowledge and competence that is essential for the efficient and effective performance of duty. The acquisition of knowledge is a never-ending process of personal and professional development that should be pursued constantly.

- p) Deputies will behave in a manner that does not bring discredit to their agency or themselves. Their character and conduct while off duty must always be exemplary, thus maintaining a position of respect in the community in which he or she serves. The deputy's personal behavior must be beyond reproach.

SUBJECT: Mission Statement	NUMBER: 1-3.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 04-03-2018
NMMLEPSC STANDARDS: ADM.03.01	APPROVED: Sheriff

I. POLICY

It is the basis of any good organization to have an effective mission statement. In accordance with that the following is the mission statement for this Sheriff's Office.

II. MISSION STATEMENT

OUR MISSION

The mission of the Socorro County Sheriff's Office is to fulfill the law enforcement needs of our community with the highest degree of fairness, professionalism and integrity. In partnership with the citizens of the county, we will provide service in an ethical and fiscally responsible manner, while preserving the rights of all individuals.

OUR VISION

The Socorro County Sheriff's Office is a service oriented organization, proactive in meeting the needs of the citizens of our communities. We are accountable for our actions. We will work in partnership with other public service agencies. We will support education for the citizens we serve, as well as ourselves.

OUR VALUES

Professionalism

While leading by example we are committed to excellence, honesty and courage in the performance of our duties.

Accountability

Through communication and cooperation, we will work hard to build trust and confidence with the community by holding the employees to the highest standards of professional conduct.

Integrity

We are dedicated to the ethical standards of honesty, fairness and respect.

Trust

Through teamwork, we will foster respect within our ranks, while promoting confidence within the community.

SUBJECT: Sheriff's Office Organization	NUMBER: 1-4.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 04-03-2018
NMMLEPSC STANDARDS: ADM.07.01, ADM.07.02, ADM.07.03, ADM.07.04, ADM.07.05, ADM.08.01, ADM.08.02	APPROVED: Sheriff

I. POLICY

The Socorro County Sheriff's Office is organized to provide a command structure. The titles of respective ranks establish the chain of command within the Sheriff's Office. Sheriff's Office services and functions are established to meet organizational objectives. The Sheriff will assign personnel to supervise units, sections, and or tasks as necessary to provide professional services.

II. DEFINITIONS

CHAIN OF COMMAND

All official communications, whether moving downward or upward, shall be confined to official channels. Each link in the chain of command shall be respected. It is the responsibility of each echelon to forward communications to the next higher echelon with his approval, disapproval, of recommendation.

III. RULES AND PROCEDURES

1. Chain Of Command

- I. In order to facilitate efficient management of the Socorro County Sheriff's Office, the principle of "Chain of Command" shall be utilized. Chain of Command ensures that:
- II. All employees will obey any lawful order of a superior, including any order relayed from a superior by an employee of the same or lesser rank.
- III. Each employee is accountable to only one supervisor at any given time.
- IV. All employees are accountable for the use of delegated authority and will have responsibility to be accompanied by commensurate authority.
- V. Only one person should be in complete command of any situation or incident.
- VI. Supervisory personnel are accountable for the performance of employees under their immediate control.

- VII. It shall be the responsibility of each individual member to keep themselves aware of their relative position in the organization, to whom they are accountable, and who is accountable to them during normal day –to-day operations.

- VIII. Personnel will adhere to the chain of command. No employee will consult with members outside of their chain of command without notifying their immediate supervisor with the following exceptions;
- IX. Personnel may contact members outside of their chain of command, up to and including the Sheriff, to report abuse/misuse of supervisory authority or violations of the law or Sheriff's Office policy by other members.
- X. An employee may directly contact a supervisor outside of their chain of command to get personal advice, which has nothing to do with their official duties.
- XI. When necessary, any supervisor, regardless of assignment, may issue a direct lawful order to a subordinate not under their immediate chain of command. If this order conflicts with an order previously given them, that subordinate shall respectfully call it to the attention of the supervisor issuing the order. If the order is not altered or rescinded, the subordinate shall comply with the most recent order given. In such cases, the subordinate will not be held responsible for not carrying out the original order.
- XII. Personnel shall not obey any order which they know or should know would require them to commit any illegal act. If in doubt as to the legality of an order, personnel shall request the issuing superior to clarify the order or to confer with higher authority.
- XIII. Chain of command positions have been established by the County of Socorro to facilitate a professional structure. Rank positions are established, by job description, and personnel are hired per the Socorro County Personnel Policy Manual. The command structure, by general description, is as follows;

2. Order Of Rank

1. Sheriff

- a) Is elected by the citizens of Socorro County, and is directly responsible to the people. The Sheriff, under the guidelines of the State Constitution, statutes, and County ordinances will provide leadership, deploy manpower, and provide direction for the efficient operation of the Sheriff's Office. The Sheriff is the Chief Executive Officer responsible for the image, effectiveness, and general conduct of the Sheriff's Office.
- b) Has the responsibility for the assignment of all personnel and for the efficiency, discipline, and appearance of such personnel. In this capacity, the Sheriff shall have the authority to prescribe, promulgate, and enforce rules and regulations for the operation of the Sheriff's Office.
- c) Is responsible for long and short range planning necessary for the maintenance of goals and objectives of the Sheriff's Office.

- d) May authorize personnel to deviate from provisions of this manual when the Sheriff believes such deviations are lawful and in the public interest or in exceptional situations.

2. Undersheriff

Is appointed by the Sheriff and is second in command and in the absence of the Sheriff has the authority and responsibility of the Sheriff.

3. Captain

Is appointed to this rank from the members of the Sheriff's Office of the rank of sergeant. He/She is responsible to the Undersheriff for the operation of all divisions.

4. Sergeant

Is appointed to this rank from members of the Sheriff's Office of the rank of Corporal. He/She is a superior Sheriff's Officer, who may supervise Corporals, subordinate and non-sworn personnel.

5. Corporal

Is appointed to this rank from members of the Sheriff's Office of the rank of Deputy Sheriff. He/She is a midline Sheriff's Officer, who may supervise subordinate and non-sworn personnel.

6. Support Staff

- a. A non-sworn position of the Socorro County Sheriff's Office.
- b. Under general direction, performs typing, word processing, recording and filing of police and court correspondence, reports, forms and other related projects as determined by the Sheriff or designee.
- c. Receives complaints from the public concerning crimes and emergencies; broadcasts orders as necessary to appropriate patrol units; and, records calls, and broadcasts complaints received in accordance with established Sheriff's Office procedures.

3. Operational Services

In order to achieve goals and objectives in an orderly and efficient manner, the organizational structure and integrity of the Sheriff's Office must be maintained. Functional services or units have been established with specifically defined responsibilities for the maintenance of professional standards. Members of this Sheriff's Office will coordinate their efforts and pursue tasks within the defined structure utilizing the chain of command. Personnel will be tasked with duties and responsibilities as per County of Socorro job descriptions, this manual and/ or by the Sheriff or designee.

Assignments and duties may be general law enforcement tasks or specific and specialized as directed.

1. Field Services

The goal of field services is the preservation of peace and order, the prevention and detection of crime, the apprehension of offenders, completion of competent reporting, diligence in support of the criminal justice system and the protection of persons and property. Field services functions require the performance of a multitude of tasks relating to public welfare and safety. In order to provide the best professional service attainable, deputies perform their duties both in uniform and plainclothes, and operate both marked and unmarked vehicles.

2. Criminal Investigations Services

When the need arises, a detective(s) may be assigned for the continued investigation of crimes or incidents that originate from the field services function. These cases are developed for identification and prosecution of offenders. Cases assigned are generally felony crimes, however a detective(s) may be assigned to any investigation that the Sheriff deems in the public interest.

3. Evidence/Property Services

This service provides for the secure storage of items seized as evidence, safekeeping and found items. The Sheriff will assign an employee as Evidence Custodian to oversee the entire evidence/property function. The Evidence Custodian is tasked with the lawful disposal of items seized.

4. Court Services

This service is responsible for **Civil Process**, including the service of all writs, subpoenas, summonses, and garnishments that are received from courts of competent authority, as well as other duties as assigned. **District Courthouse Security** responsible for the security at the district courthouse, including additional duties as assigned. **Prisoner Transportation** is responsible for the safe secure and efficient transportation/extradition of prisoners to and from detention centers as well as other states and jurisdictions. Additional duties as assigned.

5. Records Services

This service is responsible for maintaining accurate documentation and ensuring timely dissemination of documents. The records custodians and clerks have access to past and present records management systems. The records custodian is responsible for fulfilling requests for records made by the public as well as requests for discovery made by legal representatives.

6. Reserve Deputies/New Mexico Rangers

Reserve Deputies and New Mexico Rangers shall be used to assist sworn deputies whenever practical. Reserve Deputies and New Mexico Rangers shall operate under established guidelines.

SUBJECT: General Conduct	NUMBER: 1-5.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 04-03-2018
NMMLEPSC STANDARDS: PER.09.01, PER.03.06	APPROVED: Sheriff

I. POLICY

Personnel of the Socorro County Sheriff's Office shall follow a prescribed code of conduct and act responsibly while on and off duty. This Office shall hold its members accountable for all actions, which may adversely affect the Sheriff's Office. The Law Enforcement Code of Ethics governs professional conduct for all sworn members of the Sheriff's Office. Additionally, specific standards for general conduct have been established for all members of the Sheriff's Office to enhance the integrity and discipline of professional performance. Standards of conduct are identified in the Standard Operating Procedures of the Sheriff's Office and in the Socorro County Personnel Policy manual.

II. RULES AND PROCEDURES

1. Personnel shall obey the Constitution of the United States and protect rights of the people guaranteed by it.
2. Personnel shall obey all felony and misdemeanor laws of the United States of America and of any state or local jurisdiction in which they are present.
3. Personnel shall obey all Protective or Restraining orders filed against them or filed by the employee against another person. Copies of these orders shall be provided to the Sheriff.
4. Personnel shall not commit or omit any acts, which constitute a violation of the rules, regulations, directives, or orders of this Office or the County of Socorro.
5. Personnel shall conduct themselves, both on duty and off duty, in a manner, which reflects positively on the Sheriff's Office and the law enforcement profession.
6. Conduct unbecoming an deputy or employee shall include, but not be limited to:
 - A. Any conduct which brings the Sheriff's Office into disrepute.
 - B. Any conduct which impairs the operation or efficiency of the Sheriff's Office.
 - C. The member's arrest and conviction of any felony or serious misdemeanor charge.
7. Personnel will not give special consideration, privilege, or professional courtesy to members of this or any other agency when those members are involved in a felony or

serious misdemeanor crime nor will members solicit any of the above if they are charged with a felony or serious misdemeanor crime. Personnel who are arrested for any crime shall report the arrest to the Sheriff at the earliest opportunity.

8. Personnel shall report for duty at the time and place required by assignment or order and shall be physically and mentally fit to perform their duties.
9. Personnel shall be properly equipped so that they may immediately assume their assigned duties.
10. Personnel shall not fake illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any supervisor of the Sheriff's Office or the County of Socorro, as to the condition of their health. **Personnel reporting usage of sick leave will contact a supervisor at least one hour prior to their scheduled shift.**
11. Personnel shall constantly direct their best efforts to accomplish the functions and goals of the Sheriff's Office efficiently and intelligently.
12. Personnel shall not engage in any activity or personal business, which may cause them to neglect or be inattentive to their assignment.
13. Personnel shall maintain sufficient competency to properly and accurately perform their duties and assume responsibility for their positions.
14. Personnel shall observe common courtesy when using tobacco products when in direct contact with the public or Sheriff's Office or other Socorro County personnel. Personnel will not use tobacco products when in an area designated for non-smoking, when in formation, or when they neglect their assignments to do so.
15. Personnel shall immediately obey all lawful orders of any supervisor or orders given via police radio or telephone. This will include orders relayed from a supervisor by personnel of the same rank or lesser rank.
16. Insubordination by Sheriff's Office personnel will not be tolerated. Insubordination consists of:
 1. Willfully neglecting or deliberately refusing any lawful order given by any supervisor.
 2. Being disrespectful in language or conduct, or treating with contempt, any supervisor.
 3. Publicly criticizing any supervisor, order, or directive of this Office or the County of Socorro.
17. Personnel shall not recommend or suggest the procurement of a particular product or the employment of a particular professional service.

18. Personnel shall not act officiously or permit personal feelings, prejudices, animosities, or friendships to influence their decisions.
19. Personnel shall not use coarse, violent, profane, or insolent language or gestures.
20. Personnel shall not express any prejudice toward race, religion, politics, national origin, life style, or similar personal characteristics.
21. Personnel shall not criticize or ridicule the Sheriff's Office, its policies, or other personnel in a manner, which is defamatory, obscene, or unlawful, nor shall personnel make statements, which undermine the effectiveness of the Sheriff's Office or interfere with the maintenance of discipline.
22. Personnel shall obtain information in an official and courteous manner and act on it in a proper and judicious manner within the scope of their duties. Actions of all personnel shall be consistent with established Sheriff's Office procedures whenever any person requests assistance, asks advice, or makes a complaint or report either by phone or in person.
23. Personnel shall not alter, misrepresent, or otherwise make any false statements on any report or other written document which has been filled out in the course of employment. Written document refers to reports, citations, public records, public vouchers, overtime slips, leave requests, affidavits, or any written instrument completed by Sheriff's Office personnel. A violation of this section may result in prosecution for violations of the New Mexico Statutes dealing with Public Records, Public Money, and Perjury.
24. All reports and written documentation will be completed and turned in on time in accordance with established procedures.
25. Personnel shall truthfully answer all questions specifically directed to them and narrowly related to the scope of employment and operation of the Sheriff's Office.
26. In an administrative investigation upon order of the Sheriff, or a superior Sheriff's Officer conducting an administrative investigation, employees shall truthfully and candidly answer all questions directed to them regarding the investigation.
27. In the context of this rule, lack of candor, such as omission of detail to give false impression shall be regarded the same as untruthfulness.
28. Personnel shall cooperate fully with investigators in any internal investigation and shall be afforded all rights and protection provided by law, policy, and rules and procedures.
29. Except where otherwise authorized, personnel shall not use Sheriff's Office or Socorro County resources for personal gain unless specifically authorized by a supervisor.

30. Personnel shall be responsible for the safeguard and proper use of all Sheriff's Office issued property. All authorized equipment shall be utilized only for its intended purpose and shall be maintained in proper working order.
31. Personnel shall have a telephone available and shall keep the Sheriff's Office informed as to their current phone number.
32. Personnel shall provide residence address and notify the Sheriff's Office immediately of a change in address.
33. Personnel shall carry their identification cards and badges on their person while on duty or armed, except when impractical or dangerous to their safety or to an investigation.
34. Personnel shall not lend to another person their identification card or badge or permit them to be photographed or reproduced without approval of the Sheriff.
35. Personnel shall not authorize the use of their names, photographs, or Sheriff's Official titles in connection with testimonials or advertisements of any commodity or commercial enterprise without approval of the Sheriff.
36. Personnel shall not present themselves as the official representative of the Sheriff's Office without prior authorization.
37. Personnel shall avoid regular or continuous dealings or association with persons who are felons, persons whom they know are under active criminal investigations, persons who are incarcerated or persons who have a reputation in the community or Sheriff's Office for present involvement in felonious or criminal behavior except as necessary in the performance of official duties or where unavoidable due to close family relationship.
38. Personnel shall treat all official business of this office as confidential. Information regarding official business shall be disseminated only to those for whom it is intended in accordance with established procedure.
39. Personnel shall not knowingly interfere with any criminal or administrative investigation, assigned task, or duty assignment of another and shall not directly or indirectly, by threat, bribe, or coercion, attempt to secure the withdrawal or abandonment of a complaint or charge.
40. Deputies shall possess a valid New Mexico driver's license and shall carry it at all times when driving. Deputies shall notify the Sheriff of all charges or convictions of traffic violations, while on or off duty, and any suspensions or revocations of their license.
41. Personnel will not engage in any form of political activity while on duty.

42. Personnel shall give their name and duty assignment to any person requesting it during duty hours, or when acting under the scope of authority or position unless doing so would jeopardize their safety or an ongoing investigation.
43. Sworn personnel will protect one another in time of danger, stress and under circumstances where danger might reasonably be expected.
44. Personnel shall not possess alcoholic beverages in any police facility or vehicle except in the actual performance of official duties.
45. Personnel shall not consume any intoxicating beverage while on duty or utilizing Sheriff's Office property except in the actual performance of official duties.
46. Personnel shall not use intoxicating beverages to the extent that it renders them unable to report for their next scheduled tour of duty or discredits the Sheriff's Office as a whole.
47. Personnel shall notify their supervisor if a prescription requires on duty use of any controlled substance. Personnel must provide a physician's statement indicating the medication will not impair driving or judgment abilities.
48. Personnel shall not bring or store controlled substances, narcotics, or hallucinogens in any police facility or vehicle except in the actual performance of official duties or when so prescribed by a licensed physician.
49. Personnel may be subject to drug testing as defined in the Socorro County Personnel Policy Manual.
50. Personnel will only take meals and breaks as authorized or scheduled. Personnel are subject to call during meals or breaks and will advise Communications of location at all times.
51. General health and physical fitness is a voluntary requirement. Fitness and health affects emotions, cognitive, behavior, and interpersonal well-being. It is recommended that deputies maintain a regular fitness program and a healthy diet. The Employee Assistance program can assist employees with a healthy lifestyle and recommendations on a fitness program to balance work and life.
52. Personnel shall be obligated to report illegal acts or violations of this manual, Socorro County personnel policies, or ethical standards by other members to a supervisor or the Sheriff. The chain of command shall be followed unless the seriousness of the act warrants immediate notification to the highest authority.
53. Personnel using personal or Sheriff's Office-owned cell phones, tablets, cameras or other electronic devices to document (photographs, audio recordings, etc.) any Sheriff's Office dealings (i.e. criminal investigation) are not authorized to display or transmit those documents for any reason other than Sheriff's Office business.

SUBJECT: Hiring	NUMBER: 1-6.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 04-03-2018
NMMLEPSC STANDARDS: PER.01.01, PER.01.02, PER.01.03, PER.01.04, PER.01.05, PER.03.05	APPROVED: Sheriff

I. POLICY

It is the policy of the Sheriff's Office to obtain the best deputies possible. To that end, the Sheriff's Office shall practice a regimented, rigorous selection procedure while simultaneously affording equal opportunity to everyone regardless of race, creed, color, sex, sexual orientation, veteran's status, national origin, or age. The Sheriff's Office does not discriminate against qualified individuals with disabilities who are able to perform the essential functions of the job with or without reasonable accommodations.

II. PURPOSE

The purpose of this order is to outline minimum hiring requirements for deputies.

III. RULES AND PROCEDURES

A. Selection and Hiring

1. Each applicant for Deputy Sheriff or Civil Process/Transport, must have a completed application, Personal Integrity Questionnaire, Personal History Questionnaire, Liability Waiver, Copy of Driver's License, a High School Diploma or GED, DD214 (if applicable) and show their Birth Certificate prior to being considered for employment. Civilian staff will complete a Socorro County application.
2. Each applicant must meet the minimum requirements for the position applied for.
3. Each applicant must pass a background check and includes a minimum requirement found in New Mexico State Statute 29-7-6 if applicable.
4. Each applicant must pass an oral exam if applicable
5. Applicants may be subject to a physical agility test depending on the position applied for.
6. Upon being recommended for hire, the applicant must pass a drug screen test and pre-employment physical.

7. Any non-certified applicant successful at being hired as a Deputy Sheriff must also pass psychological exam, extensive physical exam and/or other tests required by the New Mexico Law Enforcement Academy.
8. Any applicant successful at being hired as Court Security Sheriff's Officer must pass a psychological exam.
9. Any certified applicant successful at being hired as a Deputy Sheriff may not be required to take any additional test other than drug screen and pre-employment physical. The certified applicant will not enjoy seniority over any individual currently employed by the Sheriff's Office based on his/her prior service with another agency.

B. Unsuccessful applicants may re-apply if a vacancy exists.

C. The Sheriff may appoint members of the Sheriff's Office to be involved in the testing and interview process for the Socorro County Sheriff's Office. Members of the Sheriff's Office that are selected to be involved will be trained in the testing and interview process.

1. Each applicant will receive a notice as to testing dates and upon successful completion of the test and interview, times will be advised.
2. The Sheriff's Office will maintain all applications that were not selected for the position for a period of three years in a secured file cabinet.

D. Oral Interview

1. The employees assigned to the hiring process will ask questions concerning the current job opening.
2. Upon the Sheriff's review of the interview process the Sheriff may offer the job to the candidate.

E. Records on the testing results of each applicant shall be kept for a minimum of three years. The records will be kept by Sheriff's Office.

SUBJECT: Uniform and Grooming Standards	NUMBER: 1-7.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 04-03-2018
NMMLEPSC STANDARDS: PER.03.04	APPROVED: Sheriff

A. POLICY

The Sheriff's Office shall ensure that all personnel are properly attired and groomed. Civilian personnel will meet acceptable standards of dress and appearance as established by the Sheriff.

B. RULES AND PROCEDURES

1. Uniform Standards

Standards for the proper wearing of uniforms will apply to all sworn personnel and uniformed civilian employees of the Sheriff's Office.

2. Wearing of the Regulation Uniform

1. All sworn personnel and uniformed civilian employees, except as noted, shall wear the regulation uniform
2. The Sheriff and Undersheriff may dress appropriately for their assigned duties.
3. When wearing the uniform, it will be complete. Partial uniforms will not be worn.
4. All deputies will maintain one Class-A uniform as defined in this section.

3. Supervisor Responsibilities

Supervisors are responsible for the appearance of personnel under their command and will ensure that:

1. Uniforms and equipment are neat, clean, and serviceable.
2. Uniforms and equipment are properly worn and utilized.
3. Uniforms, insignia, accessories, and equipment conform to published standards.

C. SWORN PERSONNEL

1. Headgear

- a) Headgear is optional, except during formal inspections, funerals, parades, or when directed by the Sheriff.
- b) During periods of inclement weather and/or extended periods of exposure to bright sunlight outside the vehicle, the baseball style cap is authorized provided that the cap:

A. Is OD green in color.

2. Class-A Uniform

- a) The Class-A uniform for all personnel is the long sleeve shirt and black tie.
 - b) Deputies shall wear the Class-A uniform, when attending award functions sponsored by outside law enforcement agencies and/or civic organizations.
 - c) Deputies on special assignment (e.g. undercover work) may, with the approval of their supervisor, wear appropriate civilian attire to these award functions.
- A. Appropriate civilian attire for male deputies is a dress suit or sport coat and dress slacks, a tie, and dress shoes or dress boots.
- B. Appropriate civilian attire for female deputies is a dress, a dress suit or pant suit, or a dress skirt or dress pants and blouse, and dress shoes or dress boots.
- d) Athletic footwear-sneakers, either canvas or leather-type, or any type of athletic shoe-is not authorized for wear with the uniform.

3. Class-B Uniform

- 1. The Class-B uniform for personnel is the long or short sleeve shirt, open collar, without tie.
- 2. Deputies shall wear the Class-B uniform during normal working hours and assignments.

4. Jackets

- A. Jackets will be black in color or OD green bomber jackets.
- B. A cloth replica of the issued badge will be worn on the uniform jacket.
- C. Shoulder patches will be affixed to the jacket in the same manner as on the Class-A uniform shirt. Name plates will not be required on the uniform jacket.
- D. Plain clothes personnel assigned to the Criminal Investigations Division, shall be issued a tactical vest specially marked "Sheriff". Tactical Vests will be worn:
 - a. During search warrant executions.
 - b. During the execution of an arrest warrant involving a probability of resistance.

c. Whenever directed by a supervisor.

5. Gloves

1. Gloves will not be worn by personnel wearing a short sleeved shirt, except as required for protection or safety.
2. Gloves will be black leather, lined or unlined.
3. Deputies may be required to wear white cotton gloves on special occasions (e.g. funerals, parades, etc.)

6. Rain Gear

1. Rain gear will be bright yellow, international orange or clear.
2. Raincoat will be knee length.

7. Name Tags and Tie Bar/Tack

1. A 2 ¼ inches by 3/8 inch gold-covered name plate will be worn on the uniform shirt by all uniformed personnel. The first initial and last name will be inscribed in ¼ inch block letters, filled with black enamel. The name plate will be gold in color, and all other types of lettering are considered un-authorized.
2. The name plate will be positioned above the right breast pocket flap of the uniform shirt. It is to be centered and the bottom of the name plate is to be flush with the upper seam of the flap.
3. An optional slip-on pin acknowledging years of current service to the Sheriff's Office may be attached to the name tag. The service pin will have inscribed in black enamel the wording "SERVING SINCE". The year for original date of hire will be inscribed in the blank space.
4. A tie bar or tack of conservative taste may be worn provided that it is gold colored. No name brands or advertisement will be allowed.

8. Sheriff's Office Badge and Patch

1. Sworn personnel shall wear their designated official Sheriff's Office badge when in uniform.
2. The official Sheriff's Office patch will be worn on both sleeves of all uniform shirts and jackets.
3. The Sheriff's Office patch will be centered on the sleeve and the top border of the patch will meet with the seam of the shirt/jacket sleeve at the shoulder.

4. A cloth replica of the Sheriff's Office issued badge will be worn on all jackets.
5. Personnel assigned to plain clothes duties will carry the approved badge in a case or other device which will enable them to wear the badge in plain view when directed to do so by a supervisor.

9. Uniform Shirts

1. Shirts will be long sleeve and short sleeve.
2. For deputies, shirts will be silver/tan with tan buttons and pleated pockets. Weave may be polyester, wash and wear, or 75/25 polyester/wool blend. Sworn personnel will wear a white or black crew neck T-shirt when the collar is worn open.
3. No gold buttons will be worn on the Class-A uniform shirt.

10. Uniform Trousers

- a) Trousers will be Forest Green straight leg, without cuffs. There will be no stripe on trouser legs. The following options are available:
 1. 65/35 Polyester/cotton blend
 2. 100% Polyester wash and wear
 3. 55/45 Polyester/wool blend

11. Uniform Ties

1. Ties are required for uniformed personnel while standing for formal inspections, while in attendance at funerals, parades, and other formal occasions, or when so directed by the individual's immediate supervisor or higher authority.
2. The tie will be black with the breakaway (clip-on) feature.

12. Footwear

1. Footwear will be black, smooth, highly-shined leather without ornamentation.
2. Sworn personnel may wear a low quarter shoe, round toe, or patrol boots. Patrol boots shall be round or semi-round toe with ten or twelve inch tops. Trouser legs will be worn outside of the boot. Black socks will be worn when not wearing boots.
3. Military style boots without steel toe or any other ornamentation are authorized.

13. Shirt Insignia for Command Personnel

1. Shirt insignia for captains will be a double gold bar, each bar to be $\frac{3}{4}$ inch by $\frac{1}{4}$ inch, centered $\frac{1}{2}$ inch from the outer edge of the collar tab, and will lie parallel to the collar edge. The insignia for all jackets will be a double gold bar, each bar shall be one inch by $\frac{3}{8}$ inch, and will be centered on the cross-stitched portion of each epaulet with bars parallel to the shoulder seam.
2. Shirt insignia for the undersheriff will be four gold stars $\frac{3}{8}$ inch by $1\frac{3}{8}$ inch, centered so as to form a triangle with the point of the collar. The insignia for all jackets shall be four gold stars, $\frac{5}{8}$ inch by $1\frac{7}{8}$ inch, centered on the top of each shoulder.
3. Shirt insignia for the Sheriff will be five gold stars, in a circular cluster, which is $\frac{3}{4}$ inch in diameter, centered on the leading edge $\frac{1}{2}$ inch from the outer edge of the collar tab. The insignia for all jackets shall be five gold stars, in a circular cluster, which is one inch in diameter, centered on the top of each shoulder.

14. Chevrons

1. Sergeant chevrons will be the Sheriff's Office approved style, and will be worn on both sleeves of the uniform shirt and jacket, centered between the seam of the shoulder and the elbow.
2. Corporal chevrons will be the Sheriff's Office approved style, and will be worn on both sleeves of the uniform shirt and jacket, centered between the seam of the shoulder and the elbow.

15. Leather Gear

- A. Leather gear for all uniformed sworn personnel will be black basket weave design and consist of the following:
 - a. Equipment belt-two inches wide
- B. Holster will be approved by the Sheriff, no less than a level II.
- C. Handcuff case will be for the issued handcuffs. The cover of the case if equipped may be secured with either a concealed snap or Velcro fasteners.
- D. Expandable baton holder will be the authorized type.
- E. Mace holder will be Sheriff's Office issue and appropriate for the mace container.
- F. Belt keepers will be one inch wide with concealed snaps, Velcro fasteners, or highly polished brass snaps. A single four inch wide keeper may be worn at the back of the belt.
- G. Shoulder straps are not authorized for any uniform.

- H. All exposed metal attached to leather gear will be gold colored or brass. All exposed metal will be highly polished.

16. Protective Body Armor

1. All sworn personnel are required to be fitted for, and to be issued a protective vest.
2. Personnel engaged in patrol or field operations will wear the protective vest at all times when on-duty or in uniform.
3. All personnel assigned to participate in high risk situations (i.e. search warrant executions, service of arrest warrant on a probable violent offender, etc.) will wear the protective vest during these types of operations.
4. Personnel not in patrol or field operations duties shall have their vest readily available (i.e. in their assigned vehicle, in their duty Sheriff's Office, etc.) while on duty.

17. Eye Wear

1. All eye wear worn on-duty will be in good taste, and conform to Sheriff's Office and community standards.
2. Mirrored sunglasses will not be permitted.
3. Eye wear frames that are considered questionable by supervisory personnel will be considered unacceptable and will not be worn. Personnel should consult their supervisor through the chain of command prior to purchasing eye wear frames that could be considered questionable.

18. Class-C Uniform

- A. Deputies shall wear the Class-C uniform during training and special events. The Class-C uniform will not be authorized for regular duty use.
- B. Trousers will be Forest Green straight leg, eight pocket, without cuffs. There will be no stripe on trouser legs. Acceptable brands are Elbeco..
- C. Shirts will be polo-type, black, green or tan in color, with embroidered Sheriff's Office badge on the left upper shirt front.

D. TRANSPORT PERSONNEL

Personnel (non-sworn) assigned to transport duties shall follow policy as listed above for Court Security personnel.

E. GROOMING STANDARDS

1. Male Sworn Personnel

A. Hair

- a) Shall be neat, clean, trimmed and present a groomed appearance
- b) Shall not interfere with the proper wearing of the uniform cap.
- c) Shall not touch the top of the shirt collar at any time
- d) Shall not cover any part of the outside portion of the ear at any time nor will the sides bulk at or extend over the ear. The front is combed to the side or back and will not protrude below the headband of a cap.
- e) Color or style shall not be unusual or bizarre nor will it be dyed or streaked an abnormal color
- f) The maximum extension from the scalp shall not exceed two (2) inches
- g) No extreme or abnormal hair styles within these guidelines will be permitted
- h) The wearing of a wig or hairpiece by male personnel while in uniform or on duty is prohibited except to cover or to accommodate a medical condition or physical disfigurement. When worn, it will conform to the standard haircut criteria listed above.
- i) Deputies assigned to undercover work, where unusual hairstyles or appearances are necessary to accomplish a specific mission, are exempt from this policy. However, hair will be worn in a neat, clean, and groomed manner when at the Sheriff's Office, court or instructing a class. Agents stationed at the Sheriff's Office are exempt, while carrying out their normal duties.
- j) Plain clothes deputies must follow this policy when working a temporary uniform assignment. However, individuals wearing the BDU uniform for raid operations only, are exempt from this policy.

B. Sideburns and Facial Hair

- a) Employees shall be "clean-shaven" when in uniform. For the purpose of this policy, clean-shaven means the removal of hair, which if allowed to grow, would constitute a beard or goatee
- b) Mustaches will be neatly trimmed and shall not extend in length below the top border of the upper lip nor extend more than ¼ inch upward, downward, or to the side from the corner of the mouth.
- c) Employees in uniform will ensure their sideburns do not extend below the bottom of the lowest part of the exterior ear opening or tragus and will end with a clean shaven horizontal line. The maximum width at the bottom of the sideburns shall not exceed one inch.
- d) When working in an undercover capacity, male personnel may wear a beard, goatee, or moustache as needed in the performance of their job duties.

C. Fingernails

- 1. Shall be clean and trimmed while in uniform
- 2. Shall not extend beyond the tips of the fingers while in uniform
- 3. Will not be polished while in uniform

4. When working in an undercover capacity, fingernails may be worn as needed in the performance of job duties. However, fingernails will conform to this policy when at the Sheriff's Office, court, or instructing a class. Deputies stationed at the Sheriff's Office are exempt, while carrying out their normal duties.

D. Jewelry

- a) Only two (2) conservative rings may be worn while in uniform
- b) Necklaces will not be worn in view, while in uniform. Religious medals may be worn, provided they are not visible
- c) Earrings or piercings of any kind will not be worn
- d) When working in an undercover capacity earrings and/or piercings may be worn as needed in the performance of job duties. However, all earrings and piercings will be removed when at the Sheriff's Office, court, or instructing a class. Deputies stationed at the Sheriff's Office are exempt, while carrying out their normal duties.

2. Female Sworn Personnel

1. Hair

- a) Shall be secured and prevented from hanging down at all times when in uniform
- b) Shall be neat, clean, trimmed, and present a groomed appearance
- c) Styles shall not interfere with the wearing of the uniform cap or helmet
- d) Shall not touch the top of the uniform shirt collar at any time
- e) Shall not cover any part of the outside portion of the ear at anytime
- f) The hair in front will be groomed so that it does not fall below the eyebrows and will not protrude below the band when the uniform cap or helmet is worn
- g) Color and style shall not be unusual or bizarre. Hair shall not be dyed or streaked in abnormal colors or in two distinctive tones and highlighting should complement the hair's natural color.
- h) Ornamentations, scrunchies, bows, or ribbons shall not be worn in the hair, while in uniform. Hair rubber bands, clips, and pins that match the color of the hair are permitted.
- i) Shall not be worn in a "pony tail" or similar style unless loose hair is properly secured and does not hang below the cap
- j) Hair that is worn up must be styled in such a manner as to prevent any loose hair
- k) While in civilian attire, hair will be neat, clean, trimmed, and present a groomed appearance. Hair shall not interfere with the performance of the employee's duties. Color and style shall follow above stated criteria.
- l) No extreme or abnormal hair styles within these guidelines will be permitted.
- m) The wearing of a wig, hair extensions or hairpiece by female personnel while in uniform or on duty is prohibited except to cover or to accommodate a medical condition or physical disfigurement. If one is worn it must conform to

the same standards required for natural hair. It should be of good quality and proper fit and not interfere with a cap or headgear.

- n) When working in an undercover capacity, hair may be worn as needed in the performance of job duties. However, hair will be worn neat, clean, trimmed, and present a groomed appearance when at the Sheriff's Office, court, or instructing a class. Deputies stationed at the Sheriff's Office are exempt, while carrying out their normal duties.

2. Cosmetics

- a) Females may wear cosmetics if they are conservative and complement the uniform and/or business attire. Eccentric, exaggerated, or trendy cosmetic styles and colors are prohibited. Some examples of extreme colors include, but are not limited to, metallic or dark pinks, purples, greens and blues.
- b) False eyelashes are prohibited
- c) When working in an undercover capacity, cosmetics may be worn as needed in the performance of job duties. However, cosmetics will be worn in adherence to this policy while at the Sheriff's Office, court, or instructing a class. Deputies stationed at the Sheriff's Office are exempt, while carrying out their normal duties.

3. Fingernails

- a) Shall be clean and trimmed
- b) Shall not extend more than one-quarter inch beyond the tips of the fingers.
- c) May be polished clear or another natural color. No two-tone or multiple tone colors will be accepted
- d) Shall not have designs applied to them
- e) When working in an undercover capacity, fingernails may be worn as needed in the performance of job duties. However, fingernails will conform to this policy when at the Sheriff's Office, court, or instructing a class. Deputies stationed at the Sheriff's Office are exempt, while carrying out their normal duties.

4. Jewelry

- a) Two conservative rings may be worn
- b) Necklaces will not be worn in view while in uniform. Religious medals may be worn, provided that they are not visible.
- c) While in **uniform**, earrings and or piercings will not be worn
- d) While in **civilian attire**, any style of conservative earrings may be worn
- e) When working in an undercover capacity, earrings and/or piercings may be worn as needed in the performance of job duties. However, all earrings and piercing will be removed when at the Sheriff's Office, court or while instructing a class. Deputies stationed at the Sheriff's Office are exempt, while carrying out their normal duties.

3. Contact Lenses

Contact lenses worn by any employee shall not be of a bizarre or unusual color and will not distort the natural appearance of the eye.

4. Tattoos and Body Piercings

1. Sworn personnel are permitted to have body tattoos and ornamental jewelry worn in the body piercings. However, they shall not be visible during any interaction with the public while working in an official capacity.
2. Sworn personnel are required to cover all tattoos and body piercing jewelry by wearing the appropriate long sleeve shirts, pants or other clothing.

Those employees who currently have tattoos or body piercing jewelry that cannot be covered with the common uniform shall cover the tattoos with other materials (i.e. band aids, flesh-colored makeup, etc.) and/or remove the body piercing jewelry.

3. Due to the Sheriff's Deputy safety issue where piercing jewelry can be used by an offender to gain an advantage over an Sheriff's Deputy during an altercation, all exposed body piercing jewelry will not be permitted to be worn during the performance of official duties.

4. The only exception to this policy is as follows:

Narcotics/Criminal Investigations Sworn Personnel are permitted to have visible tattoos/body piercings when assigned in an undercover role. (This exception is only applicable for the duration of the undercover operation).

5. Any deviation from this policy must be approved in advance by the Sheriff.

SUBJECT: Performance Evaluations	NUMBER: 1-8.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 04-03-2018
NMMLEPSC STANDARDS: PER.06.01, PER.06.02, PER.06.03, PER.06.04	APPROVED: Sheriff

I. POLICY

The Sheriff's Office bears an obligation to the public and its own personnel to hire and maintain the best qualified deputies. To that end, the Sheriff's Office regularly and formally evaluates the performance of deputies and other members. The evaluation system discussed herein serves both the interests of management and the Sheriff's Office's members. The purposes of the evaluation system are to allow fair and impartial personnel decisions, maintain and improve performance, provide a basis and a medium for personnel counseling, assist decisions about the tenure of probationary members, advancement, specialization, and identify training needs.

II. RULES AND PROCEDURES

All employees with the Socorro County Sheriff's Office will follow the established guidelines within the Socorro County Personnel Policy, section 6.12 through 6.15, as amended by Resolution#2006-20.

SUBJECT: Employment Discrimination	NUMBER: 1-9.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 04-03-2018
NMMLEPSC STANDARDS: PER.02.01, PER.02.02, PER.02.03	APPROVED: Sheriff

1. POLICY

This Socorro County Sheriff's Office will be committed to complying with all laws, both State and Federal, pertaining to Equal Employment Opportunity, Affirmative Action, and discrimination or harassment of any type in the workplace.

The Socorro County Sheriff's Office shall comply with the Board of County Commissioners Harassment Policy 2016-002, which is located in the appendix of this policy.

2. PURPOSE

To establish and define the policy for this agency concerning fair employment practices and to ensure Equal Employment Opportunities, free from harassment and/or discrimination, to all employees and applicants for employment.

3. RULES AND PROCEDURE

A. It shall be the policy of this Office to base all employment decisions on principles of equal opportunity. This agency will not discriminate against any employee or applicant for employment on the basis of the following:

- B. Race
- C. Color
- D. Religion
- E. Gender
- F. National Origin
- G. Physical or Mental Disability
- H. Age
- I. Veteran Status
- J. Sexual Orientation
- K. Marital Status
- L. Ancestry
- M. Gender Identity

C. Employment opportunities will not be distinguished on the basis of age, national origin, or disability/handicap except for the position of Deputy Sheriff as defined by NMSA 29-7-6, the establishment of the State of New Mexico Law Enforcement Academy Board. NMSA 29-7-6 establishes the following minimum requirements:

An applicant for certification shall provide evidence satisfactory to the board that he/she:

- a) is a citizen of the United States and has reached the age of majority;
 - b) holds a high school diploma or the equivalent;
 - c) holds a valid driver's license
 - d) has not been convicted of or pled guilty to or entered a plea of nolo contendere to any felony charge or, within the three year period immediately preceding his application, to any violation of any Federal or State Law or Local Ordinance relating to aggravated assault, theft, driving while intoxicated, controlled substances or other crime involving moral turpitude and has not been released or discharged under dishonorable conditions from any of the armed forces of the United States;
 - e) after examination by a licensed physician, is free of any physical condition that might adversely affect his/her performance as a Deputy Sheriff or prohibit him/her from successfully completing a prescribed basic Law Enforcement training required by the Law Enforcement Training Act;
 - f) after examination by a certified psychologist, is free of any emotional or mental condition that might adversely affect his/her performance as a Deputy Sheriff or prohibit him/her from successfully completing a prescribed basic Law Enforcement Training Act;
 - g) is of good moral character; and
 - h) Has met any other requirements for certification prescribed by the board pursuant to regulations adopted by the board.
- D. This Office fully supports the Americans with Disabilities Act (ADA) and will respond to reasonable requests for job accommodations.
1. The administration of this Office will take affirmative action to recruit, hire, reassign, compensate, train, demote, and to advance in employment: minorities, women, qualified individuals with disabilities, and veterans. This agency is committed to making sustained, diligent efforts to identify and consider such individuals for employment and for opportunities arising during employment.
 2. Harassment, in any form, against any employee of this agency or applicant for employment is unacceptable and will not be tolerated.
 3. All employees must respect civil rights laws and refrain from discriminatory actions. It is everyone's responsibility to perform official duties in a way that maintains and fosters a non-hostile work environment free from discrimination.
 4. Discriminatory actions or conduct may include remarks and jokes regarding race, color,

religion, sex, national origin, age, physical/mental ability, marital status, sexual orientation, etc.

5. This agency prohibits any retaliatory action against an employee for opposing a practice which he/she believes to be discriminatory. This includes the filing of an internal complaint or the filing of a complaint with a State or Federal Civil Rights Enforcement Agency.
6. The Sheriff or his designee, will be responsible for educating employees on Equal Employment Opportunity, Affirmative Action, and discrimination/harassment issues. He will also be responsible for ensuring that staff members at all levels carry out the intent of this equal employment/affirmative action policy and take appropriate measures to correct any discrimination, which might occur.
7. All employees are expected to abide by the procedures as outlined within this policy. Violation of this policy will subject an employee to disciplinary action, up to and including dismissal.
8. The Sheriff or his designee will assign a supervisor within the agency to be responsible for investigating complaints of discrimination on a case by case basis. The supervisor will be responsible to report back to the Sheriff a written report concerning the complaint. The contents in the report shall be kept confidential.
9. Complainant Procedures
 - a) An employee encountering harassment should first attempt to discourage the activity by informing the offending employee that their actions are offensive, unwanted or unwelcome.
 - b) If the employee intends to file a complaint, the employee shall:
 - I. Promptly record the circumstances comprising the incident in order to facilitate the investigation process.
 - II. Report the incident(s) to a supervisor as soon as possible so that steps may be taken to protect the employee from further harassment, and appropriate investigative and disciplinary measures may be initiated. Where this is not practical, an employee may instead file a complaint with the Sheriff or the County Human Resource Manager.
 - c) The supervisor or other person receiving the complaint shall:
 - A. Attempt to resolve the incident(s) at the lowest level;
 - B. Document the incident(s), the employee(s) who performed or participated in the harassment, and the dates on which it occurred;
 - C. Document any attempts or results to resolve the incident(s); and
 - D. Deliver the complaint and documentation promptly through the chain of command to the Sheriff.

- d) An employee who chooses to accumulate information over an extended period, in lieu of prompt reporting, may in effect impair the legitimacy of their claim.
- e) Incident(s) of harassment shall only be considered resolved at the supervisory level when a reasonable solution is accepted by the complainant.

SUBJECT: Commendation	NUMBER: 1-10.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 04-03-2018
NMMLEPSC STANDARDS: None	APPROVED: Sheriff

A. POLICY

The Socorro County Sheriff's Office will recognize professional and exceptional services rendered by personnel of the Sheriff's Office. Commendations from community members or other Sheriff's Office personnel will be documented and retained.

B. RULES AND PROCEDURES

1. The Sheriff will implement a commendation form for recording recognition of professional or exceptional services as reported by members of the community or other Sheriff's Office members.
2. The Sheriff will review all commendations and forward originals to the member(s) personnel file with a copy to the individual whose actions are recognized.
3. Personnel who wish to commend the actions of another member of the Sheriff's Office will complete the commendation form and submit to the Sheriff via the chain of command.
4. Personnel who are contacted by a member of the community who wish to commend a member of the Sheriff's Office will provide the form for completion or obtain information and complete the form for the citizen. The form, when completed, will be submitted timely to the Sheriff via the chain of command.
5. Letters of commendation received in the mail to an individual(s) commending the actions of Sheriff's Office members will be forwarded to the Sheriff.

SUBJECT: Court	NUMBER: 1-11.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 04-03-2018
NMMLEPSC STANDARDS: None	APPROVED: Sheriff

I. POLICY

Personnel of the Socorro County Sheriff's Office are required to appear for testimony in local, state, and federal courts with regard to law enforcement actions and investigations conducted by the Sheriff's Office. Procedures have been established that govern the attendance, appearance, and demeanor of personnel to ensure professional representation of the Sheriff's Office. A system of receiving, service and recording of subpoenas will be established by the Socorro County Sheriff.

II. RULES AND PROCEDURES

1. General

- a) Personnel will be served subpoenas as per procedure established by the Socorro County Sheriff. This system will also accommodate any court order, or other paperwork that requests or demands an deputy to appear for any hearing or interview as directed.
- b) Personnel will maintain a schedule for all court, hearing, or interview appearances and report for each at the time and place specified.
- c) Personnel will, for misdemeanor cases, ensure necessary state witnesses have been subpoenaed if required by the deputy.
- d) Personnel will prepare for testimony by review of all documentation related to that testimony. Personnel should contact the District Attorney's Office and review reports with the case attorney when necessary.
- e) Personnel will bring a copy of the criminal case, evidence and any other documents necessary or required for case presentation.
- f) Personnel will advise a supervisor when they have court during duty hours.
- g) Personnel will advise a supervisor when they have conflicting court appearance dates/times. In this event the courts must be contacted to attempt re-schedule of the deputy's appearance time. If the conflict cannot be resolved, deputies will appear at the higher court (Federal, State District) in preference to a lower court. Lower courts will be advised of the deputy's non-attendance and the reason.

2. Courtroom Security

Personnel shall comply with security measures established in court facilities. Federal Courts require deputies to secure weapons, pagers and cell phones prior to entry of the facility.

3. Court Attire

Sworn personnel will report for court in uniform unless otherwise directed by court procedure or at the request of the District Attorney. If the uniform is not worn, personnel shall conform to the following dress standard:

- A. Male personnel will wear a neat clean pants, button up shirt
- B. Female personnel will wear professional business attire
- C. Non-sworn personnel will wear professional business attire
- D. All personnel will be in compliance with the General Appearance procedures of this manual.

4. Court Testimony/Demeanor

- A. Personnel shall conduct themselves professionally in or around court facilities
- B. Personnel will testify accurately and truthfully and:
 - A. Avoid loss of temper
 - B. Avoid humorous or sarcastic comments

SUBJECT: Forms Control	NUMBER: 1-12.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 04-03-2018
NMMLEPSC STANDARDS: None	APPROVED: Sheriff

I. POLICY

The Sheriff's Office shall centralize the responsibility for forms control in the Administration Section and utilize standard forms whenever possible.

II. RULES AND PROCEDURES

1. Maintenance of Sheriff's Office Forms

- I.** The Administration Section shall be responsible to maintain a master file, which will include the original of each form utilized.
- II.** Personnel shall not reproduce or requisition any form unless such form has been approved for use by the Sheriff, or his designee.

2. Standardized Forms

Standard forms of other agencies that are in common usage, such as Uniform Crime Reports, Traffic Accident Reports, Uniform and Misdemeanor Citations, and Search Warrants are excluded from the previous provision.

3. New or Revised Forms

All requests for a new or revised form will be made through an inter-office correspondence, through the appropriate and established chain of command to the Sheriff, and will include:

- A. Purpose of the form and information to be recorded on the form.
- B. Number of copies needed to satisfy projected needs for a six-month period.
- C. Justification for the form, including a statement explaining why existing form(s) is/are unsuitable for use or why a new form is needed.

SUBJECT: Gratuities	NUMBER: 1-13.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE:04-03-2018
NMMLEPSC STANDARDS: None	APPROVED: Sheriff

I. POLICY

Personnel of the Socorro County Sheriff's Office must always provide equal and honest effort to provide law enforcement services to the public we serve. Members cannot receive private or special advantage from their official status that could be interpreted as seeking the member to refrain from performing official responsibilities honestly and within the law.

II. RULES AND PROCEDURES

1. Personnel shall not solicit or accept, either for themselves or others, gifts, gratuities, or compensation for services performed in the line of duty other than that paid by Socorro County or authorized by the Sheriff.
2. Personnel shall not solicit or accept personal gifts, gratuities or special considerations on duty or off duty when there may be a perception that acceptance places personnel in a position of future indebtedness which may be satisfied by official consideration.
3. Establishments, which, through their own policy, provide food, beverages, or services at a lesser rate, shall not be given any special treatment or consideration but will receive police services the same as any other establishment.
4. The Sheriff's Office does not endorse personnel accepting any items free or at a discounted rate that is not available to the general public.

SUBJECT: Social Media	NUMBER: 1-14.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 04-03-2018
NMMLEPSC STANDARDS: None	APPROVED: Sheriff

1. **POLICY**

The proper functioning of any law enforcement agency relies upon the public's confidence and trust in the individual deputies and the agency to effectively protect and serve the public. Any matter which brings the Sheriff's Office or its personnel or the Sheriff's Office into disrepute has the corresponding effect of reducing public confidence and trust in our Sheriff's Office, therefore impeding the ability to work with and serve the public. Professionalism is the most significant factor in providing the highest level of service to the public, which in turn builds the public confidence and trust. While employees have the right to use personal/social networking web pages, tweets, sites, and/or blogs, as member of the Socorro County Sheriff's Office, they are public servants who are held to a higher standard than the general public concerning general conduct and ethical standards. It is therefore the policy of the Socorro County Sheriff's Office to maintain a level of professionalism in both on-duty and off-duty conduct and employees shall not engage in conduct that contradicts or impedes the mission of our organization. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by Sheriff's Office personnel.

2. **PURPOSE**

The purpose of this policy is to establish the Sheriff's Office's position on the utility, management, administration, and oversight of social media. This policy is not meant to address one particular form of social media, rather social media in general, to allow for new tools and future technologies.

3. **DEFINITIONS**

For the purposes of this policy the following definitions shall apply:

1. Blog

A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for "Web log."

2. Page

The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.

3. Post

Content an individual shares on a social media site or the act of publishing content on a site.

4. Profile

Information that a user provides about himself or herself on a social networking site.

5. Social Media

A category of Internet-based resources that integrate user generated content and user participation. This includes, but is not limited to, social network sites, Micro blogging sites, photo and video sharing sites, wikis, blogs, and news sites.

6. Social Networks

Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

7. Speech

Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, video, or related forms of communication.

8. Web 2.0

The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.

9. Wiki

Web page(s) that can be edited collaboratively.

4. RULES AND PROCEDURES

a) Free Speech

1. As public employees, Sheriff's Office personnel are cautioned that speech, on or off-duty, made pursuant to their official duties is not protected under the First Amendment and may form the basis for discipline if deemed detrimental to the Sheriff's Office. Sheriff's Office personnel should assume their speech and related activity on social media sites reflect upon this Sheriff's Office. Engaging in prohibited speech noted herein may provide grounds for undermining or impeaching a deputy's testimony in criminal or civil proceedings. Sheriff's Office personnel are

subject to discipline up to and including termination for violations of these provisions.

2. When using social media, Sheriff's Office personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the Sheriff's Office's General Conduct Policy is required in the personal use of social media. In particular, Sheriff's Office personnel are prohibited from the following:
 - a) Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any other protected class of individuals.
 - b) Speech involving themselves or other Sheriff's Office personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
 - c) Speech which could bring the Sheriff's Office into disrepute or which impairs the mission of the Sheriff's Office and/or the ability of Sheriff's Office personnel to perform their duties.

b) Social Networks and Other Web Sites

1. Employees who have personal web pages, memberships with social networking web sites or other types of internet postings, which can be accessed by the public, shall not identify themselves directly or indirectly as an employee of the Socorro County Sheriff's Office and engage in any type of speech, expression, or communication as prohibited in any portion of this policy (Use of Internet Social Media and Networking).
2. Photographs or other depictions of Sheriff's Office uniforms, badges, patches, marked patrol cars, or any other item or material which is identifiable to the Socorro County Sheriff's Office shall not be used on personal employee internet postings without written permission from the Sheriff or his designee.
3. Employees shall not authorize any other party to use photographs or other depictions of Sheriff's Office uniforms, badges, patches, marked patrol cars, or any other item or material which is identifiable to the Socorro County Sheriff's Office without written permission from the Sheriff or his designee.
4. Posting the following types of criminal justice information to social networking sites is explicitly prohibited:
 1. Confidential, sensitive, or copyrighted information to which you have access due to your employment with the County;
 2. Data from criminal or administrative investigations including photographs, videos, or audio recordings;
 3. Photographs of suspects, arrestees or evidence;
 4. Personal statements about **any** investigation that are not included in an official incident report including;
 5. Comments related to pending investigations and/or prosecutions.

c) Sheriff's Office Sanctioned Presence on Social Media

- a) Where possible, each Sheriff's Office created social media page shall include an introductory statement clearly specifying the purpose and scope of the agency's presence on the website.
- b) Where possible, the page(s) should link to the Sheriff's Office's official website.
- c) All Sheriff's Office-related social media sites or pages shall be approved in writing by the Sheriff or his designee.
- d) Pages for specific deputies, divisions, or programs within the Sheriff's Office must be approved in writing by the Sheriff or his designee. Care must be taken to maintain the integrity of the Sheriff's Office's brand online.
- e) Where possible, social media pages shall clearly indicate they are maintained by the Sheriff's Office and have Sheriff's Office contact information prominently displayed.
- f) Social media content shall adhere to applicable laws, regulations, and policies, including all information technology, records management, Sheriff's Office, and County policies.

d) Sheriff's Office Sanctioned Use of Social Media

- a) Sheriff's Office personnel representing the Sheriff's Office via social media outlets shall:
 - i. Conduct themselves at all times as representatives of the Sheriff's Office and adhere to all Sheriff's Office standards of conduct;
 - ii. Identify themselves as a member or employee of the Sheriff's Office;
 - iii. Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecution, nor post, transmit, or otherwise disseminate confidential information;
 - iv. Not conduct political activities or private business;
 - v. Observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

b) Uses

- a. Social media is a valuable investigative tool when seeking evidence or information and/or disseminating information about:
 - i. Missing persons;
 - ii. Wanted persons;
 - iii. Gang participation;
 - iv. General crime information;
 - v. Photos or video of a crime where the Sheriff's Office needs the media's assistance, as approved by the Sheriff.

- b. Social media can be used for community outreach and engagement by;
 - i. Providing crime prevention tips;
 - ii. Offering online-reporting opportunities;
 - iii. Sharing crime maps and data;
 - iv. Soliciting tips about unsolved crimes.
- c. Social media can be used to make time sensitive notifications related to:
 - I. Road closures;
 - II. Special events;
 - III. Weather emergencies;
 - IV. Missing or endangered persons;
 - V. Accidents and or crime scenes where the public may be affected.
- d. Social Media may be used for:
 - A. Recruiting;
 - B. Advertising employment positions;
 - C. Publicizing volunteer positions;
 - D. Offering training opportunities.

SUBJECT: Unbiased Policing	NUMBER: 1-15.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 04-03-2018
NMMLEPSC STANDARDS: OPR.01.10	APPROVED: Sheriff

1. **POLICY**

It is the policy of the Socorro County Sheriff's Office to emphasize commitment to unbiased, equitable treatment of all persons in enforcing the law and providing law enforcement services. The maintenance of public trust and confidence in the Sheriff's Office is critical to effective law enforcement and is achieved largely through fair and equitable treatment of the public.

All persons having contact with members of the Sheriff's Office shall be treated in a nonpartisan, fair, equitable, and objective manner, in accordance with law, and without consideration of their race, color, national origin, or other individual characteristics or distinctions as defined in this policy.

2. **DEFINITIONS**

A. Biased-Based Policing

The interdiction, detention, arrest or other non-consensual treatment of an individual because of a characteristic or status, such as race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability or serious medical condition, or economic status.

B. Equal Treatment

In the present context, equal treatment means that persons, irrespective of race or other distinction, shall be treated in the same basic manner under the same or similar circumstances. This does not mean that all persons in the same or similar circumstances can or must be treated identically in all cases. Reasonable concessions and accommodations may be, and sometimes should be, made when dealing with individuals with physical or mental disabilities, injury, illness, infirmity, or similar conditions, or when information about them necessitates different treatment.

C. Law Enforcement Contacts/Enforcement Actions

Includes, but is not limited to, a routine or spontaneous investigatory activity, including an interview, a detention, a traffic stop, a pedestrian stop, a frisk or other type of bodily search or a search of personal or real property.

D. Law Enforcement Service Functions

Sometimes referred to as community caretaking functions, these are actions and activities that may not directly include enforcement of the law but that contribute to the overall well-being and safety of the public. These include, but are not limited to, such tasks as assistance at fire scenes, traffic accidents, medical emergencies, lifesaving services, crime prevention, preventive patrol, traffic control, public information, education, assistance, and similar activities.

3. RULES AND PROCEDURES

1. Fair and Equal Treatment

1. Biased-based policing by any member of this Sheriff's Office is prohibited. Investigative detentions, field contacts, traffic stops, pedestrian stops, searches, a frisk, other type bodily searches, arrests, property seizures and forfeiture efforts will be based on a standard of reasonable suspicion or probable cause for determining when or how to take enforcement action in accordance with applicable Constitutional laws.
2. Nothing in this policy prohibits deputies from using the traits and characteristics of persons, such as race, ethnicity, or other information to assist in establishing reasonable suspicion or probable cause in the same manner that deputies would use hair color, height, weight, or gender for such purposes.
3. Sheriff's Office personnel will provide the same level of law enforcement service to every citizen regardless of their race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability, serious medical condition, or economic status.

2. Duties of Sheriff's Office Personnel

1. Deputies who witness or who are aware of instances of biased-based policing shall immediately report the incident to their supervisor and submit the information in accordance with S.O.P.
2. The Sheriff's Office takes seriously allegations of bias-based policing. Anyone may lodge a complaint regarding alleged unlawful law enforcement profiling with the Sheriff's Office.
3. All complaints will be forwarded to the Sheriff, and must be made within 90 days of the original incident.

3. Supervisor Duties

1. Supervisors are responsible for seeing that all personnel under their command are familiar with this policy.
2. Supervisors will monitor the activities of personnel under their command in order to identify behaviors that may be indicative of a violation of this policy
3. Supervisors will respond to all citizen complaints of biased-based policing and will ensure that complaints are handled in accordance with Sheriff's Office policy.

4. Administrative Duties

- I. Pursuant to New Mexico State Statutes Article 21 Prohibition of Profiling Practices, section 29-21-3. B. (5), administration will submit a redacted copy of any complaint alleging bias and the disposition to the attorney general, which shall disclose the nature and disposition of the complaint but shall not disclose personal identifying information of a law enforcement officer or complainant.
- II. The Sheriff or his designee will conduct an annual review of the agency practices including citizen concerns.

5. Training

- A. All deputies will receive training during basic orientation and in-service. The curriculum will encompass the Prohibition of Profiling Practices Act, Laws 2009 Chapter 177, 1-4, NMSA 1978 29-21-1 et seq.
- B. When necessary, remedial training deemed will be provided if bias based profiling occurs.

SUBJECT: Crashes Involving Sheriff's Office Vehicles	NUMBER: 1-16.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 04-03-2018
NMMLEPSC STANDARDS: None	APPROVED: Sheriff

a) POLICY

Sheriff's Office policy is to investigate and document all accidents involving law enforcement vehicles.

b) RULES AND PROCEDURES

a) Accidents involving Sheriff's Office vehicles inside of county limits

1. Sheriff's Office vehicles involved in accidents, no matter how minor, shall be recorded on the State of New Mexico Uniform Accident Report Form.
2. Copies of all accident/incident reports involving Sheriff's Office vehicles will be forwarded to the Sheriff through the chain of command as soon as completed. This is necessary to expedite repair of the damaged vehicles and ensure that the accident is reviewed.
3. Duties of personnel involved:
 - a) Render aid to the injured;
 - b) Secure the scene from further damage, and preserve evidence;
 - c) Request another deputy or agency for the investigation, and call an on-duty supervisor to the scene of the accident. An on-duty supervisor will respond and take photographs of the accident scene.
4. Investigating deputy duties:
 - A. Inform the supervisor of the facts surrounding the accident;
 - B. Complete the accident report form, including a sketch or diagram;
 - C. Attempt to obtain written statements from drivers, passengers, and witnesses on accidents involving injuries.
5. Duties of the on-scene supervisor:
 1. Respond to the scene of the accident when called;
 2. Determine if the accident involves serious personal injury, death, or substantial damage to the claimant, or county vehicle, before the scene of the accident is cleared;
 3. Notify the Captain via chain of command;

4. Examine damage to vehicles and physical evidence present to ensure consistency with reported circumstances;
 5. Determine if the vehicle is safe to remain in service or should be transported to the Sheriff's Office or shop. In all cases involving alleged mechanical defect, the county vehicle will be transported to the Socorro County yard for inspection and confirmation;
 6. Determine, based on damage and extent of injuries whether an outside agency should conduct the accident investigation. If it is determined that an outside agency should conduct the investigation, notify the Captain via chain-of-command as soon as practical.
6. All vehicle accidents will be reviewed by the Captain and forwarded to the Sheriff for review, preventability determination, and final disposition. Drivers involved in preventable accidents may be subject to disciplinary action up to and including termination.

b) Accidents involving Sheriff's Office vehicles outside of county limits

Employees involved in an accident outside the county limits shall:

1. Render aid to the injured;
2. Secure the scene from further damage and preserve evidence;
3. Request the appropriate agency for the investigation;
4. Notify the on-duty supervisor of the accident as soon as practical.

c) Post-accident testing requirements

1. Any accidents involving major property damage or serious injury or death will be subject to a blood draw to determine impairment.
2. When Sheriff's Office vehicles are towed from the scene of a crash due to the fact the damage resulting from the crash makes the vehicle inoperable, the deputy driving will be subject to a blood draw at the discretion of the Sheriff.

SUBJECT: Off Duty Employment	NUMBER: 1-17.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 04-03-2018
NMMLEPSC STANDARDS: PER.04.01, PER.04.02	APPROVED: Sheriff

1. **POLICY**

The policy of this Office is to provide guidelines to employees to inform them of the types of off-duty employment which are appropriate and to establish procedures to maintain accountability for the welfare of the Sheriff's Office. These requirements are essential for the efficient operation of the Sheriff's Office and for the protection of the community.

2. **RULES AND REGULATIONS**

The County of Socorro Personnel Policy Manual covers employees' off duty employment. In addition to Socorro County Board of County Commissioners Ordinance 2016-002 Page 13 Section 6.2, this Sheriff's Office further restricts off duty employment as follows:

a) Types of Off-Duty Employment

i. Regular Off-Duty Employment

Employees may engage in off-duty employment that meets the following criteria:

- i. Employment that presents no potential conflict of interest between their duties as a deputy and their duties for their secondary employers. Some examples of employment conflict of interest are:
 - a) As a process server, reposessor, or bill collector, towing of vehicles, or in any other employment in which a deputies authority might tend to be used to collect money or merchandise for private purposes.
 - b) Personnel investigations for the private sector or any employment which might require a deputy to have access to Law Enforcement information, files, records, or services as a condition of employment.
 - c) In a Sheriff's Office uniform in the performance of tasks other than that of a Law Enforcement nature.
 - d) Which assists (in any manner) the case preparation for the defense in any criminal or civil action or proceeding.
 - e) For a business or labor group that is on strike.
 - f) In occupations that are regulated by or must be licensed through the Law Enforcement Agency or its civilian boards.
- ii. Employment that does not constitute a threat to the status or dignity of Law

Enforcement as a professional occupation. Examples of employment representing a threat to the status or dignity of the Law Enforcement profession are:

- i. Establishments which sell pornographic books, magazines, sexual devices, or videos that otherwise provide entertainment or services of a sexual nature.
- ii. Any employment involving the sale, manufacture, or transport of alcoholic beverages as the principal business.
- iii. Any gambling establishment not exempted by law.

ii. Extra-Duty Employment

Deputies may engage in extra-duty employment as follows:

- I. Where a government, profit-making or not-for-profit entity has a contract agreement with the Sheriff's Office for Law Enforcement Officers in uniform that are able to exercise their Law Enforcement duties.
- II. Types of extra-duty services which may be considered for contracting are:
 1. Traffic control and pedestrian safety.
 2. Crowd control.
 3. Routine Law Enforcement for public authorities.
 4. Plainclothes assignments.
 5. D.W.I. enforcement
 6. Traffic enforcement
 7. Security for local businesses

b) Limitations on Regular Off-Duty Employment and Extra-Duty Employment

I. In order to be eligible for off-duty and extra-duty employment, an employee must be in good standing with the Sheriff's Office. Continued Sheriff's Office approval of an employee's off-duty and extra-duty employment is contingent of such good standing.

II. Those employees who are on medical or other leave due to sickness, temporary disability or an on-duty injury shall not be eligible to engage in regular or extra-duty employment.

III. Prior to obtaining off-duty employment, the employee shall comply with Sheriff's Office procedures for granting approval of such employment.

IV. Work hours for all off-duty employment must be scheduled in a manner that does not conflict or interfere with the employee's performance of duty.

V. A deputy engaged in any off-duty employment is subject to call-out in case of emergency and may be expected to leave his off-duty or extra-duty employment in such situations. The deputy is expected to inform their off duty employer that they

made be ordered to leave in a Sheriff's Office emergency recall at any time.

VI. Permission for an employee to engage in outside employment may be revoked where it is determined pursuant to Sheriff's Office procedure that such outside employment is not in the best interests of the Sheriff's Office.

c) Requesting Permission

Any employee considering *off-duty* employment must submit the off-duty application to the Sheriff through the chain of command. Such requests must be approved prior to the commencement of outside employment. *Extra-duty* employment will be posted by a designee of the Sheriff.

d) Coordination and Follow-Up

The Undersheriff will see that agreements between the Sheriff's Office and government agencies, businesses or organizations are met and renewed as needed. The Executive Secretary will also ensure that the Sheriff's Office receives reimbursement for services. The Undersheriff will be the point of contact for the Sheriff's Office. The Undersheriff will coordinate with government agencies, businesses and organizations as needed for manpower needs and will oversee deputies to ensure they are in adherence to Sheriff's Office policies and matters in regards to extra-duty.

SUBJECT: Training	NUMBER: 1-18.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 04-03-2018
NMMLEPSC STANDARDS: TRN.01.01, TRN.01.02, TRN.02.01, TRN.02.02, TRN.02.03, TRN.03.01, TRN.03.02, TRN.04.01, PER.05.03, PER.05.04	APPROVED: Sheriff

1. POLICY

The Sheriff's Office has an obligation to provide a professional standard of law enforcement for the County of Socorro. In fulfilling this responsibility, it is essential that personnel are properly trained. This begins at entry level with required basic training, prior to assumption of police duties and continues throughout the deputy's career on an ongoing basis. Training is provided to accommodate Sheriff's Office needs and to actualize the interest and concern the Sheriff's Office has for the self-improvement and personal development of its employees.

2. TRAINING GOALS

- A. Provide job related training to all personnel.
- B. Train employees to be prepared to act decisively and correctly in a broad spectrum of situations.
- C. Enhance employee productivity and effectiveness through greater job knowledge.
- D. Foster cooperation and unity of purpose among personnel through common training.

3. RESPONSIBILITIES

- 1. The Undersheriff and the Training Officer have the following responsibilities:
 - A. Review and revise any in-service training requirements on an annual basis and to ensure it meets the standard requirements set forth by the New Mexico Law Enforcement Academy.
 - B. Ensure administration of a training program for every employee who is promoted, to be given to the employee at the start of his/her tenure in the new position.
 - C. Ensure administration of annual supervisory and leadership training.
 - D. Ensure every deputy is trained frequently in policies.
 - E. Supervise the training instructors and ensure they receive adequate training to enable them to carry out their duties.
 - F. Coordinate with the Field Training Officers regarding FTO training being provided.

G. Maintain appropriate records documenting all training of deputies

2. Immediate Supervisors have the following responsibilities:

A. To ensure any Field Training Officers and any deputy under their command who are certified instructors maintain and demonstrate on a regular basis their proficiency in their areas of instruction through annual evaluations.

4. ROLL-CALL TRAINING

Roll call training is utilized to keep deputies up-to-date between formal training sessions or disseminate information which may be specific to shift activities.

5. IN-SERVICE TRAINING

1. All sworn personnel are mandated to complete at least 40 hours of in-service training every two years. This training consists of all training as designated by the New Mexico Law Enforcement Academy
2. All scheduled in-service training should be posted at the earliest possible time prior to the training date, when possible. The Sheriff may assign personnel to in-service training or remedial training without Sheriff's Office posting if the training is specific to the individual's job tasks, individual deficiencies, or when insufficient time exists to complete the posting procedure.
3. The Training Officer is responsible for locating, scheduling or making available such training which meets the mandates.
4. Deputies can submit written requests to attend posted training opportunities. Requests will be submitted via the Chain of Command through the Captain. The Sheriff will review all requests and comments and select personnel for attendance based on Sheriff's Office needs.
5. In-service training is considered mandatory. If it is necessary for a deputy to miss a scheduled in-service training, a written notice will be submitted through the deputy's chain-of-command. This will assist in scheduling any necessary make-up training.
6. It is the responsibility of the instructor to ensure that any lesson plans include a review of any appropriate policies.

6. TRAINING PROGRAM PROCEDURES

1. Performance Objectives

Training programs must relate to job task analysis and incorporate performance objectives. These acquaint the trainee with the information he/she is required to know, the skills which must be demonstrated, and the circumstances under which such skills are used. Performance objectives should include:

1. A focus on the elements of the job task analysis for which formal training is needed;
2. Clear statements of what is to be learned;
3. A basis for evaluating participants in a given course of instruction;
4. A basis for evaluating the effectiveness of the training program, by use of critiques and other accepted evaluating methods.

2. Instructors

1. Sheriff's Office personnel assigned to an instructor position should meet the requirements as specified by the New Mexico Law Enforcement Academy.
2. Deputies with disciplinary records or three sustained complaints over the prior three years for constitutionally significant issues, including but not limited to, race discrimination, sexual harassment, excessive force, unlawful searches, seizures, or filing false charges shall be disqualified as instructors until two years have elapsed without such discipline or complaints in any areas in which they conduct training. If instructor privileges are revoked or suspended disciplinary action will be at the discretion of the Sheriff.
3. Instructors will be provided adequate training to enable them to carry out their duties.
4. Instructors will be required to maintain and demonstrate proficiency in their areas of instruction on a yearly basis through their annual performance evaluation.

3. Lesson Plans

1. Lesson plans are made for all in-service training which is conducted by the Sheriff's Office. The instructor is responsible for developing the lesson plan to be used in any course he/she instructs.
2. Lesson plans are filed for permanent record in the Training Section.

4. Testing

- a) In order to evaluate the participants of a training program, a pre-test or posttest may be required. Instructors use competency based testing that uses performance objectives and measures the participant's knowledge of job related skills. Passing and failing scores must be incorporated into the lesson plan.
- b) Test scores are utilized in evaluating training effectiveness and in development of future training programs.
- c) Test scores are confidential and are maintained by the Instructor.

5. Evaluations

Trainees participate in evaluation and critique of instructors and the training course upon completion of instruction.

6. Remedial Training

1. In order to ensure that Sheriff's Office personnel do not suffer deficiencies in basic skills, knowledge and abilities required to perform assigned tasks, a remedial training function is employed.
2. Any employee who fails to demonstrate understanding imparted through any Sheriff's Office sponsored training is scheduled for remedial training in the area of deficiency.
3. Training plans are developed for the correction of noted deficiencies. These plans contain, at a minimum,
 - A. Training goals and skills to be achieve;
 - B. Specific instruction to be provided;
 - C. Time frame in which goals are to be accomplished; and
 - D. A review of remedial training at the conclusion of instruction.
4. A supervisor may identify by testing or observing job performance that an employee has demonstrated a deficiency in basic ability to perform assigned tasks. If the supervisor believes that the deficiency may be corrected, he/she may direct the employee in writing to attend a specific remedial training program. The supervisor identifies such programs through the Training Officer.
5. As soon as possible, the affected employee takes part in a training session to address the noted deficiency.
6. Participants are evaluated upon completion of the remedial training program to determine if existing deficiencies have been alleviated. Results of the evaluation shall be forwarded to the assigning supervisor so that the status of the employee can be evaluated.
7. Any remedial training will be coordinated through the Shift Supervisor to ensure prompt completion and appropriate documentation.

7. Records Maintenance

- a) Training, documentation and records maintenance is the responsibility of the Undersheriff and the Training Officer. All training records are maintained by the Undersheriff and the Training Officer.
- b) It is the responsibility of the trainee, upon completion of training from an outside source, to submit the proper documentation of such training to the Training Officer.

- c) It is the responsibility of the Training Officer to update training records as needed.
- d) Any new employee coming from another agency or military must provide the Socorro County Sheriff's Office a copy of all training files and certificates.
- e) Training records shall only be released to someone other than the affected employee by the Sheriff.

7. RECRUIT TRAINING

- a) Newly hired recruits will be trained and certified in accordance with the regulations set forth by the New Mexico Law Enforcement Academy.
- b) Those deputies who do not require attendance at the academy will be assigned to the Field Training Program for at least four weeks where they will be given instruction which includes agency policies, procedures, rules and regulations.
- c) To supplement this training, they may also be required to attend specific classes made available through the Socorro County Sheriff's Office. This ensures that all recruits regardless of their experience or training receive agency specific training.
- d) Curriculum provided to new recruits is based on requirements of the New Mexico Law Enforcement Academy and developed around the most frequent assignments of deputies. A variety of evaluation techniques have been designed to measure competency in the required skills, knowledge, and abilities. These guidelines are set forth in the New Mexico Law Enforcement Academy Handbook.

8. FIELD TRAINING PROGRAM

1. Definitions

- a) Field Training Officer Program: Hereinafter called "FTO Program"
- b) Field Training Officer: Hereinafter called "FTO"
- c) Field Training Officer Board: Hereinafter called "FTO Board"
- d) Field Training Officer Sergeant: Hereinafter called "FTO Sergeant"
- e) Daily Observation Report: Hereinafter called "DOR"

2. Goals of the FTO Program

1. The quality of Field Deputies that are produced by the Socorro County Sheriff's Office can be directly related to the quality of its FTO Program. It is the objective of the Socorro County Sheriff's Office to maintain the highest quality FTO Program possible. The success and future of the Socorro County Sheriff's Office is contingent upon recruitment and training of new Field Deputies of which the FTO Program is an intricate part.
2. The primary goal of the FTO Program is to develop Recruit Deputies who have successfully completed the academic portion of their training, into Law Enforcement Officers capable of performing as a community oriented Field Deputy.

3.Objectives of the FTO Program

1. Systematically guide the Recruit Deputy to properly apply their academic knowledge to field situations
2. Guide the Recruit Deputy to analyze field situations in a logical manner
3. Develop the Recruit Deputy so that they may function as Field Deputies, following Standard Operating Procedures and applying common sense in fulfilling the goals and objectives of the Socorro County Sheriff's Office
4. Instruct the Recruit Deputies in the duties and responsibilities of a Field Deputy and how they are expected to perform these duties
5. Evaluate the progress and potential of Recruit Deputies and assure development of their skills
6. Identify Recruit Deputies who meet the requirements of a Field Deputy and release them from field training as scheduled or earlier if the Recruit Deputy is of exceptional quality
7. Identify Recruit Deputies who fail to meet minimum requirements of a Field Deputy and either extend their training as needed, to meet minimum requirements, or terminate them as Sheriff Deputy
8. Identify and train exceptionally good Field Deputies to function as Field Training Officers as outlined in these objectives
9. Evaluate Field Training Officers on their ability to communicate, train, and evaluate Recruit Deputies
 - a) The FTO Sergeant will be responsible for bringing these recommendations to the Captain. The Captain will then present these recommendations to the Undersheriff and Sheriff.
 - b) All records kept by the FTO Sergeant will be provided for use by the Sheriff.
 - c) The Captain will be responsible for investigating problems with FTOs and recommend their removal from the FTO Program if necessary.

3. Field Training Officer Sergeant

1. Purpose:

The FTO Sergeant will serve as the organizer for each Recruit Deputy's FTO Program. The FTO Sergeant will be selected by the Sheriff. The FTO Sergeant will serve under the Captain.

2. Responsibilities:

- i. Will Be Responsible For Participant Adherence To All FTO Program Guidelines
- ii. Will Ensure All Necessary DORS, Memos And Paperwork, As It Relates To The FTO Program, Efficiently Transfer Through The Chain Of Command
- iii. Ensure Appropriate Correction Program Is Developed And Utilized
- iv. Bring Recommendations And Documentation To The Sheriff After Consultation With Chain Of Command.
- v. Ensure All Paperwork Is Complete Prior To Change In Phase Or Completion Of Program By Recruit Deputies.
- vi. Receive And Retain DOR's Once Reviewed By the Captain.
- vii. Once Notified, Inform Sheriff (Through Chain Of Command) That An FTO Will Not Be Available For Assignment Of A Recruit Deputy

4. Field Sergeant

1. Purpose:

All Field Sergeants will perform their normal duties, along with the control and monitoring of all Field Training Officers and Recruit Deputies within their assigned area.

2. Responsibilities:

- a) Will be responsible for monitoring the Recruit Deputy while in training, through daily evaluations
- b) Will be responsible for providing a means to improve a Recruit Deputy's substandard performance. This can be accomplished by one of the following:
 - a) Training by Field Training Officer
 - b) Training by FTO Sergeant
 - c) Any other approved training necessary
- c) Will be responsible for monitoring the performance of Field Training Officers and take the necessary steps to insure their continued competence

5. Field Training Officer

1. Purpose:

The Field Training Officer (FTO) provides on-going instruction utilizing personal and practical techniques. This will be in line with Standard Operating Procedures and Sheriff's Office Policies, to produce Field Deputies who can perform duties in a skillful, productive, and professional manner. The FTOs will not only be responsible for this duty, but will perform their normal assigned duties as well.

2. Responsibilities:

- a) Will be responsible for evaluating a Recruit Deputy on a daily basis. Using the daily evaluation form provided, will show and discuss the evaluation with the Recruit Deputy daily, so the Recruit Deputy can further develop any strengths and correct weaknesses. These evaluations will be forwarded to the FTO Sergeant Coordinator on a weekly basis.
- b) Will be responsible for completing a Weekly Recruit Deputy Summary Report for each Recruit Deputy.
- c) Will forward Daily Observations Reports (DOR) to the FTO Sergeant for review, comments, and signature. After the Field Sergeant signs the DORs, he/she will forward the DORs to the Captain for review, comments, and signature.
- d) Will be responsible for observing and documenting any training problems or deficiencies the Recruit Deputy might have while assigned to the FTO. The FTO will make every effort to assist in improving areas that are substandard for the Recruit Deputy.
- e) The FTO will be responsible for bringing to the attention of his/her FTO Sergeant and Captain any problems in relation to the Recruit Deputy's performance.
- f) The FTO will document all strengths and weaknesses concerning the Recruit Deputy's performance, by means of evaluations and other pertinent facts, documents, or paperwork.
- g) The FTO's personal and professional appearance and conduct should be beyond reproach. The FTO must recognize the need for possessing a higher sense of professionalism. The FTO must understand the need for quality personnel and their effect on the image, effectiveness, and future of the Sheriff's Office.
- h) The FTO will insure that any remedial training which has to be done by a Recruit Deputy, such as firearms training, is completed.

6. Recruit Deputy

1. Purpose:

The Recruit Deputy may or may not be entering the FTO Program with the basic skills and knowledge to function as a Field Deputy. If the Recruit Deputy has already attended the academy he/she will use the FTO Program as a transition period in which to apply, under the guidance and direction of an FTO, the technical and practical techniques learned in the Academy. During this period, the Recruit Deputy will demonstrate proficiency in all aspects of police work.

2. Responsibilities:

- i. Will be responsible for applying the skills and knowledge learned in the Academy to actual field situations
- ii. Will follow the orders of the FTO and their supervisors
- iii. Will make FTOs aware of any problems, personal or professional, that will have an effect on their job performance
- iv. Will accept all methods of training which are geared to improve their standard of performance
- v. Will maintain good habits of conduct and appearance as per Standard Operating Procedure of the Socorro County Sheriff's Office
- vi. Will complete 480 hours of field training, including assignments with specialty units

7. Qualifications For FTO

1. Must presently be assigned to Field Services.
2. Formal recommendations by a current supervisor and approval through the chain of command.
3. Successfully pass the Field Training Sheriff's Officer Selection Committee
4. Résumé and file review, which shall include an oral interview
5. Successfully complete an approved Field Training Officer course
6. Disciplinary action(s) within the last 12 months will be considered during the selection process
7. The Sheriff shall make the final decision for FTO selection
8. FTO Selection And Training Process

A. FTO Selection:

- a) Applicants must be endorsed by a supervisor who has knowledge of the Field Deputy's:
 - a) Past and present performance
 - b) Skill in interpersonal relationships
 - c) Knowledge of training responsibilities
 - d) Knowledge of teaching techniques
 - e) Skill in verbal presentation
- b) FTOs will be selected after a résumé packet review process, which shall include an oral interview.

- c) The applicant's personnel file and Internal Affairs record will be checked. This and other pertinent information is studied before the decision for selection to the FTO Program is made. The recommendations of the Sergeant and Captain are normally followed.
- d) The Sheriff will determine the number of FTOs

8. FTO Training:

- a) New FTOs will attend 40 hours of training from an approved organization, if not already complete.
- b) The Captain will arrange for ten (10) hours of FTO in-service training per year.

9. FTO Evaluation And Retention

- 1. The FTOs will be evaluated by their FTO Sergeant through feedback from Recruit Deputy evaluations and personal knowledge. FTOs shall give, through the chain of command, immediate notice of any disciplinary action taken or pending against them.
- 2. An FTO may be removed from the FTO Program by the Sheriff upon the recommendation of the Captain. The Captain may recommend removal of an FTO if it is determined that the FTO has not satisfactorily performed his/her duties as an FTO and/or as a Field Deputy or fails to take training courses required to stay in the FTO Program.
 - a) The Captain should obtain information from the FTO's Recruit Deputy, and the FTO Sergeant. An FTO may be removed from the FTO Program as a result of disciplinary action from conduct either on or off duty, which may reflect unfavorably on the FTO Program and/or the Sheriff's Office.
- 3. The decision of the Sheriff to remove a Field Deputy from the FTO Program shall be final.

10. Operational Procedures For Training Of Recruit Deputies

- 1. The Recruit Deputy will be assigned to a total of two (2) FTOs for a period of 480 hours split into four (4) phases.
 - a) Phase I is an introduction to police work. The FTO will do most of the work while the Recruit Deputy learns what is expected of a Field Deputy. The Recruit Deputy will learn how to apply what was learned in the Academy to patrol.
 - b) In Phase II the Recruit Deputy is expected to be more active in sharing the duties and responsibilities of a Field Deputy. The Recruit Deputy will receive guidance from the FTO.

- c) Phase III is expected to be final preparation for a single person unit. The Recruit Deputy is to assume the majority of the workload and by the end of Phase III demonstrate that, he/she is capable of performing as a Field Deputy.
 - d) Phase IV is expected to be the final phase for a single person unit. The Recruit Deputy will be in his/her own patrol vehicle. The FTO or the Field Sergeant (or any other Supervisor) will shadow the Recruit Deputy. The Recruit Deputy will assume the role of a Field Deputy. Phase IV will be for a period of two (2) working weeks or longer if needed. (The FTO will not be assigned to additional duties or calls of service during Phase IV.)
 - e) Recruit Deputies may be extended or terminated on any training phase they fail to successfully complete. To successfully complete a training or extension phase, the Recruit Deputy must end the phase with an average score of 4 or higher, for all 31 categories, in accordance with the Field Training Guide.
- B. Recruit Deputies and their assigned FTOs will not be separated or reassigned except in extreme circumstances. The FTO Sergeant will be responsible for any temporary changes and will ensure that reassignment of a Recruit Deputy will be with an FTO.
- C. One-day temporary duty assignments to specialized units will be assigned by the FTO. No more than two (2) temporary duty assignments per training phase are allowed, unless approved by the Sergeant.
- D. DORs will be filled out on the Recruit Deputy by the FTO. The DORs will be read and signed by the Recruit Deputy and FTO. The DORs will be submitted to the Field Sergeant. The Field Sergeant will review, approve, sign, and then forward the DOR to the Captain.
- E. At the end of each Recruit Deputy training phase, a Recruit Deputy Summary (Transitional Phase) will be completed. A copy will be forwarded to the next scheduled FTO and the original form will be sent to the Captain. Any strengths, additional training or additional comments will be noted on this report.
- F. At the end of each successfully completed training phase, an inter-Sheriff's Office memorandum will be sent from the Recruit Deputy's FTO, through the chain of command, to the Captain stating that the Recruit Deputy successfully completed the training phase.
- G. Training deficiencies may be noted by the Recruit Deputy's FTO. When training deficiencies are noted, an appropriate correction program will be instituted and the results documented.
 - a) Minor training deficiencies may be handled at the shift level and documented on the DORs.
 - b) Major training deficiencies will be brought to the attention of the Recruit Deputy's chain of command. The FTO Sergeant will have primary responsibility for insuring an appropriate correction program is developed and utilized.

- H. Recruit Deputies will have to make up any time missed due to illness or any other type of leave. The Recruit Deputy's field training will be extended to make up any missed time.
- I. Early release from the FTO Program may be granted by the Sheriff. A request memo with appropriate documentation shall be submitted to the Sheriff through the chain of command. The chain of command starts with the FTO, FTO Sergeant, Captain and the Sheriff. Only a Recruit deputy of very exceptional quality should be considered for early release.
- J. Extension of training may be ordered by the Sheriff. A request memo with appropriate documentation shall be submitted to the Sheriff through the chain of command. The chain of command starts with the FTO, FTO Sergeant, Captain and the Sheriff.
 - a) When extended training is required, the FTO Sergeant will identify deficiencies that need correction and steps required to insure correction. The FTO Sergeant will personally discuss this order with the Recruit Deputy and the FTO.
 - b) At the end of the extension period, the Recruit Deputy's performance will be evaluated and a recommendation will be made for: release to next phase, or dismissal. The FTO Sergeant will write the appropriate memo to the Sheriff through the chain of command.
 - c) An extension period will be recommended by the FTO Sergeant and FTO. A Recruit Deputy is permitted only one extension period per phase. A Recruit Deputy will be allowed only a total of two extension periods for the entire durations of field training.
 - d) The Sheriff may also order a Recruit Deputy, who has failed a training phase, to attend remedial training. The remedial training may be conducted as deemed necessary, but will be overseen by the Captain. Remedial training does not count as extension time.
- K. The Sheriff may dismiss a Recruit Deputy for failure to meet minimum training qualifications. A request memo will be submitted, with appropriate documentation, to the Sheriff by going through the chain of command.
 - i. This drastic action should only be used after other methods of correcting training deficiencies have failed.
 - ii. The section does not preclude dismissal for other misconduct.
- L. While the Recruit Deputy is in field training with a FTO, the Recruit Deputy will be under the responsibility of the Sergeant.
 - i. Operationally and for standard disciplinary action, the chain of command will be:
 - A. Field Training Officer
 - B. FTO Sergeant
 - B. Captain
 - C. Undersheriff
 - D. Sheriff

ii. For training and evaluation purposes, the chain of command will be:

1. Field Training Officer
2. FTO Sergeant
3. Captain
4. Undersheriff
5. Sheriff

- M. An FTO, who has a Recruit Deputy, will be considered a one-man/woman unit during the first two training phases.
- N. The decision to make Phase III of field training a one or two person unit will rest with the FTO and only if it does not interfere in the training/evaluation of the Recruit Deputy. The FTO will need to notify the Sergeant and dispatch of this decision.
- O. FTOs will not be authorized to wear civilian clothes while assigned with Recruit Deputy.
- P. The Field Training Guide will be maintained in the Sergeants Office after the completion of the Field Training phases.

11. Training Deputies That Return To Employment

- A. Deputies returning to employment with the Socorro County Sheriff's Office after having either retired, resigned, or laterally transferred, must first successfully complete and be released from a minimum of 80 hour of field training with an FTO.
- B. Training deficiencies may be noted by the Field Deputy's FTO. When training deficiencies are noted, an appropriate correction program will be instituted and the results documented.
- C. Minor training deficiencies may be handled at the shift level and documented on the DORs.
- D. Major training deficiencies will be brought to the attention of the Field Deputy's chain of command. The FTO Sergeant will have primary responsibility for insuring an appropriate correction program is developed and forwarded.

9. CIVILIAN TRAINING

1. Indoctrination will be given to newly hired civilian employees which covers the following:
 - A. The Sheriff's Office's role, purpose, goals, policies, and procedures;
 - B. Working conditions and regulations;

C. Responsibilities and rights of employees; and

D. Public relations

2. This training will be the responsibility of the supervisor in the affected division. Any documentation of such training will be forwarded to the Training Officer.
3. On the job training will be given to the following civilian positions:

I. Evidence Custodian

This training shall include the legal, safety and coordinative responsibilities of this position.

II. Records Custodian

This training shall include the legal, procedural and equipment familiarization for this position.

10. SPECIALIZED IN-SERVICE TRAINING

- A. Any deputy who is promoted or assigned to a new position will receive specialized training through an accredited course of instruction for the specific area they are assigned.
- B. If the Socorro County Sheriff's Office develops any specialized units, those deputies assigned will receive the necessary training to ensure that the specialized unit is effective. Personnel assigned to Specialized Units shall engage in regularly scheduled training and readiness exercises.

SUBJECT: Weapons	NUMBER: 1-19.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 04-30-2018
NMMLEPSC STANDARDS: ADM.06.01	APPROVED: Sheriff

1. **POLICY**

As long as innocent citizens are victims of violent crime and violent suspects confront Law Enforcement Officers, it remains necessary that law enforcement Officers be properly armed for the protection of society and themselves. It shall be the policy of the Socorro County Sheriff's Office that all deputies` will be provided with a firearm and trained in its use so that they may adequately provide this necessary responsibility.

2. **DEFINITIONS**

i. Exempt Personnel

Exempt personnel are sworn personnel assigned to undercover, however not necessarily plain clothes assignments.

ii. On-Duty

Scheduled working hours or overtime assignment. (A paid status).

iii. Off-Duty

All time not considered on-duty.

iv. Back-Up Weapon

That weapon carried in addition to your primary duty weapon, must be concealed.

3. **RULES AND PROCEDURES**

a) Authorized Firearms-Handguns

a) Requirements

- a) The Socorro County Sheriff's Office will provide all newly hired deputies with a Sheriff's Office issued a Smith and Wesson M&P 9mm handgun for duty use. The Sheriff's Office issued handgun will be carried until their 1st anniversary of date of hire.
- b) Sheriff's Office weapons may not be altered from factory specifications in any way without written permission from the Sheriff.

- c) Sworn personnel having been employed for more than one year, or lateral hires who are certified law enforcement at the time of hire, and have at least one year of law enforcement experience may request from the Sheriff permission to carry a personally owned semi-automatic weapon chambered in any of the following calibers: 9mm .357 sig, .40 caliber or .45 caliber.
- d) Barrel lengths of personally owned weapons must meet the following:
- e) Uniformed personnel: not less than 4 inches, and no more than 6 inches.
- f) Plainclothes personnel: not less than 3 inches, and not more than 6 inches.
- g) NO WEAPON CARRIED WHILE ON-DUTY MAY HAVE A TRIGGER PULL OF LESS THAN 4 LBS AS DETERMINED BY THE ARMORER.
- h) Personnel requesting and receiving authorization to carry a personally owned weapon will utilize that weapon while on-duty, during all qualifications, and during all training until they have informed the Sheriff, in writing, they will no longer be carrying the personally owned weapon.
- i) **Personnel will only be authorized (1) personally owned weapon at a time, unless the weapon is of the same manufacture and system type. i.e. Glock model 27, 23, and 22. Subsequent authorization will supersede current authorization**
- j) Personnel choosing to carry a personally owned weapon shall turn in their Sheriff's Office issued Smith and Wesson to the Sheriff's Office Firearms Instructor.
- k) Personnel choosing to carry a personally owned weapon must provide all leather gear, i.e. holster and magazine pouches.
- l) All weapons carried on on-duty are subject to inspection.

b) Personally Owned Duty Handgun Approval Process

Personnel wishing to carry a personally owned firearm will make a request in writing through the chain of command to the Sheriff. The request, if approved will be forwarded to the Firearms Instructor, who will schedule a transition course.

c) Exempt Personnel Will:

- a) Make a request in writing, through their chain of command to the Sheriff prior to carrying an alternate weapon that may fit their undercover needs, that is not covered by this SOP, as a primary duty weapon.
- b) Complete the same procedures as outlined in "PERSONALLY OWNED DUTY HANDGUN APPROVAL PROCESS".

d) Back-Up Weapons

- i. Sworn Deputies may carry a personally owned handgun on his person while in uniform to use in any unforeseen emergency circumstances. The handgun must be of quality manufacture and chambered for pistol ammunition.
- ii. Prior to carrying the firearm the deputy must have the weapon inspected by the Sheriff's Firearms Instructor. Once inspected and approved by the Sheriff's Office Firearms Instructor, the deputy must request and receive approval in writing, from the Sheriff to carry the firearm.

iii. The deputy must qualify each year on the back-up qualification course.

e) Authorized Handguns For Off Duty Use

- a) Sworn Deputies may carry the Sheriff's Office issued Smith and Wesson pistol or a personally owned firearm while off duty.
- b) Sworn Deputies are permitted to be armed at all times while off duty in compliance with applicable law. Carrying of a weapon while off duty is discretionary, however:
 - 1. Failure to have a weapon will not relieve sworn personnel of their responsibility to take proper law enforcement action in any matter coming to their attention.
 - 2. Sworn personnel may carry firearms into establishments serving liquor only when responding to a call, during a lunch or coffee break, or on other official assignment.
 - 3. Sworn personnel in civilian attire, who are armed while off duty, shall carry such weapons concealed from public view.
 - 4. Sworn personnel working within their assigned areas of the Sheriff's Office are considered not to be in public view.

f) Authorized Ammunition

- a) The only ammunition that deputies may carry in their handguns and magazines is that which is issued by the Sheriff's Office.
- b) Ammunition carried in off-duty, backup weapons or personally owned duty hand guns, approved by the Sheriff and Firearms Instructor must be factory manufactured (Remington, Federal or Winchester) semi-jacketed or jacketed, or any other ammunition approved by the firearms instructor and or the Sheriff.

b) Shotguns

a) Requirements

- i. Sworn Deputies may carry Sheriff's Office issued shotguns in their patrol vehicle and must be responsible for:
 - a) Keeping the shotgun in a safe and working condition.
 - b) Qualifying with the shotgun annually. Failure to maintain qualification will result in the loss of authorization to carry the shotgun.
 - c) Deputies are responsible for the safety of the shotgun.
- ii. Deputies may carry a personally owned shotgun with written permission through the chain of command from the Sheriff. The personally owned shotgun must be inspected by the Sheriff's Office Firearms Instructor.

b) Shotgun Ammunition

1. Sheriff's Office issued 00 buckshot is the standard load for shotguns. Loads of any other type may be used when the situation dictates. When timeliness is not of utmost importance, supervisory approval should be sought when deploying other than 00 buckshot.
2. The shotgun will be carried in the cruiser safe mode (magazine full, chamber empty) while in the patrol vehicle.

c) Conditions of Carry

Members may carry a Sheriff's Office authorized shotgun in their duty vehicles as follows:

1. Weapons must be secured in a gun-lock, or in the trunk. The weapon must be in a soft or hard case, if secured in the trunk of the vehicle.
2. At no time will a deputy leave any weapon unattended while unsecured.
3. All weapons will be kept secured in the trunk when the deputy is off-duty and the police vehicle is unattended.
4. The weapon will be maintained in the "half load" condition.

c) Urban Rifles

Sworn Deputies may be issued a Sheriff's Office urban rifle, or may purchase their own rifle for use in the performance of their duties.

a) Requirements

- a) Semi-automatic .223 caliber urban rifles may be carried on-duty under the following conditions:
- b) The rifle will be an AR-15 type.
- c) The urban rifle must be capable of holding a minimum of 20 rounds and a maximum of 30 rounds of ammunition and shall have a barrel length of no less than 16 inches, and no more than 20 inches.
- d) The urban rifle shall have fixed iron sights, full length or telescoping stocks.
- e) The urban rifle may be equipped with a flashlight mount.
- f) The urban rifle must be equipped with a sling.
- g) The urban rifle may be equipped with an optical sight of the red dot type.
- h) Telescopes are NOT allowed.
- i) If the rifle is personally owned it must be inspected by the Sheriff's Office Armorer and approved by the Sheriff.
- j) Deputies must attend the urban rifle training and pass the urban rifle qualification shoot.
- k) Deputies who are authorized to carry an urban rifle must qualify with the weapon in both the day and night qualification shoots on an annual basis and shall attend all mandated urban rifle training.
- l) Failure to maintain qualification will result in the loss of the authorization to carry the urban rifle.

b) Conditions Of Carry

Members may carry a Sheriff's Office authorized urban rifle in their duty vehicles as follows:

5. Weapons must be secured in a gun-lock, or in the trunk. The weapon must be in a soft or hard case, if secured in the trunk of the vehicle.
6. At no time will an deputy leave any weapon unattended while unsecured.
7. All weapons will be kept secured in the trunk when the deputy is off-duty and the police vehicle is unattended.
8. The weapon will be maintained in the "half load" condition, with the dust cover in place.

c) Authorized Ammunition

The Socorro County Sheriff's Office will furnish duty, training, and qualification ammunition for issued firearms. Only duty ammunition will be furnished for approved personally owned firearms.

Authorized duty ammunition for the urban rifle is limited to the following:

1. Must be manufactured by Remington, Federal, Hornady or Winchester.
2. Must be new .223 caliber 55-grain soft point ammunition.
3. A minimum of two fully loaded magazines must be carried in the deputy's duty vehicle.

d) Firearms Training

1. Members of this Office who will use any issued/authorized firearm as part of their duties shall receive Basic Firearms Training as prescribed by the New Mexico Law Enforcement Academy, and complete an initial qualification as prescribed by the NMLEA. Members will be issued and instructed on all Sheriff's Office policies pertaining to firearms and use of force before they will be authorized to carry a firearm.
2. The Sheriff's Office may increase NMLEA standards for basic certification and/or design in-service firearms training for members of the Sheriff's Office as prescribed by the Sheriff.

e) Qualification

- a) All sworn members of the Sheriff's Office as well as court security Officers, and prisoner transport Officers who carry a firearm shall be required to remain qualified as stipulated by the NMLEA and the Socorro County Sheriff's Office.
- b) The course of fire for handgun qualification shall be set and approved by the Socorro County Sheriff's Office or the NMLEA. The minimum standard for qualification is 80%.

- c) The course of fire for urban rifle, and shotgun qualification shall be set and approved by the Socorro County Sheriff's Office or NMLEA.
 - d) All firearms will be inspected by the Firearms Instructor prior to qualification.
 - e) Employees who fail to qualify with their duty handgun, after two (3) attempts will be given remedial training in an attempt to correct the deficiency and qualify. After failure subsequent to remedial training, employees shall be placed on Sheriff's Office assignment (not to exceed seven (7) days) and scheduled for re-training with the firearm. If the employee fails to qualify after re-training, he/she may be terminated.
 - f) Deputies who have been on extended leave and were unable to attend the scheduled firearms qualification shall qualify before returning to active duty.
- f) Range
- a) Four basic firearms rules:
 - 1. RULE 1: All guns are always loaded
 - 2. RULE 2: Never cover anything with the muzzle you are not willing to destroy.
 - 3. RULE 3: Keep your finger off the trigger until your sights are aligned and you have made the decision to fire.
 - 4. RULE 4: Be sure of your target, and what is behind it.
 - b) Range Procedures
 - 1. Range and safety Officer(s) instructors have complete authority of personnel while at the range facility and are specifically charged to enforce safe range operations.
 - 2. Only deputies, employees of the Sheriff's Office, and personnel authorized by the range master will be allowed on the premises of the range facility.
 - 3. Other than the Range Officer(s) and safety Officer(s) no one will be allowed on the line unless they are shooting.
 - 4. Any weapon found to be unsafe will not be allowed on the Range.
 - 5. All weapons will be cleaned prior to use on the Range.
 - 6. If there is a malfunction of a weapon that cannot be cleared by the deputy, the shooter will raise their non-weapon hand, and advise the Range Officer.
 - 7. All loading of ammunition will be done from the carrying device used on duty unless otherwise instructed by the Range Officer.
 - 8. All ammunition, other than range ammunition, will be inspected by the Range Officer.
 - 9. All weapons will be loaded and unloaded in the designated area.
 - 10. All weapons will be treated as loaded weapons at all times.
 - 11. Both ear and eye protection will be worn while shooting.

12. All weapons will be kept in a holster or carrying device when not on the firing line.
13. While on the firing line, all weapons will be safely pointed down range.
14. Shooters will only move from position to position when given the command to do so.
15. Infraction(s) of the range rules will be cause for immediate disqualification and removal from the range.

g) Use Of Firearms

1. Any use of a firearm by members of the Socorro County Sheriff's Office shall be in compliance with all policy and procedures identified in the Use of Force section of this manual. Members are to routinely review and adhere to rules and regulations pertaining to Deadly Force and Limitations of Force of this manual.
2. Armed personnel of this Office may draw and display an authorized firearm during the course of an arrest or investigation only when it is deemed necessary for the safety of the deputy or another. Personnel may be required to articulate the need for the drawing and display of a firearm at any time.
3. When a firearm is drawn or displayed, it shall not be cocked unless it is a semi-automatic pistol and is of the type that is normally carried locked and cocked.
4. No firearm will be unnecessarily drawn or displayed nor shall they be handled in a careless manner.
5. Deputies shall not draw, display, load, or unload a firearm in the Sheriff's facility except when ordered by a supervisor, or when an emergency exists in the building.
6. Shotguns shall be loaded and unloaded outside the Sheriff's facility with the barrel pointed upward or in an otherwise safe position. Shotguns will be transported in and out of the building unloaded with the action locked open except when otherwise ordered by a supervisor or when an emergency exists therein.
7. Deputies shall maintain firearms clean, lubricated, and in a safe working condition at all times. No alterations will be made to duty firearms without permission from the Sheriff.
8. All firearms will be carried in authorized gear, holsters, or locked in racks installed in police vehicles. If the police vehicle does not have a locking shotgun rack, deputies will maintain the shotgun locked in the vehicle trunk when not utilized. Deputies are responsible for the security of all weapons on or off duty.
9. All firearms will be fully loaded when utilized on duty. All required magazines will be maintained at capacity while on duty.
10. Shotguns will only be utilized as a tactical necessity consistent with training standards and in compliance with other provisions of this manual. A live round shall be placed

in the chamber immediately upon removing it from the vehicle. The shotgun will be made safe before re-placement in the police vehicle.

h) Members To Be Armed

1. Sworn members of the Sheriff's Office shall be armed at all times while on duty except when granted permission by a supervisor, or when law or decorum prohibits.
2. Sworn Members are permitted to be armed at all times in accordance with state statutes.
3. Carrying a firearm or any issued weapon off duty is discretionary. When a firearm or issued weapon is carried off duty, it shall be concealed. Uncertified deputies shall not carry an issued weapon off duty or represent themselves as a law enforcement Sheriff's Officer/employee of the Socorro County Sheriff's Office while off duty and are otherwise legally armed with a firearm. Failure to have a firearm or weapon will not relieve the deputy of his/her responsibilities for taking appropriate action. However, the deputy must weigh the circumstances entirely and take action based on available resources.

i) Discharge Of Firearm

- a) The discharge of a firearm by a deputy in the performance of any police function shall be reported to any on duty supervisor and/or the Sheriff immediately. This includes any discharge (accidental, negligent or intentional) occurring on duty or off duty. The only exception is the discharge of a firearm at an approved range facility during qualification, sporting activity, or training.
- b) The reporting of any incident involving the discharge of a firearm as described will be in compliance with rules and regulations identified in the Reporting Use of Force policy of this manual.

j) Less Than Lethal Equipment

a) ASP Baton

- a) Deputies are not approved to carry an ASP until successful completion a course of training under the direction of a qualified, Sheriff's Office approved instructor.
- b) Deputies who have been authorized to carry an ASP baton shall be required to attend a training session biennially. This training will be documented by the instructor and turned over to the Sheriff's Office Training Coordinator for documentation.

b) Chemical Spray

- a) No deputy shall be issued or authorized to carry or use chemical spray until the deputy has successfully completed a course of training under the direction of a qualified, Sheriff's Office approved instructor.
- b) Deputies who have been authorized to carry chemical spray shall be required to attend a training session biennially. This training will be documented by the instructor and turned over to the Sheriff's Office Training Coordinator for documentation.

c) Electronic Control Device (Taser)

- I.** No deputy shall be issued or authorized to carry or use a Taser until the deputy has successfully completed a course of training under the direction of a qualified, Sheriff's Office approved instructor.
- II.** Deputies who have been authorized to carry a Taser shall be required to attend a training session biennially. This training will be documented by the instructor and turned over to the Sheriff's Office Training Coordinator for documentation.

d) Bean Bag Shotgun

- A. No deputy shall be issued or authorized to carry or use a Bean bag shotgun until the deputy has successfully completed a course of training under the direction of a qualified, Sheriff's Office approved instructor.
- B. Deputies who have been authorized to carry a Bean bag shotgun shall be required to attend a training session biennially. This training will be documented by the instructor and turned over to the Sheriff's Office Training Coordinator for documentation.

SUBJECT: Budget and Fiscal Management	NUMBER: 1-20.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 04-30-2018
NMMLEPSC STANDARDS: ADM.16.01, ADM.16.02, ADM.16.03, ADM.17.06	APPROVED: Sheriff

A. POLICY

The ability to maintain current and accurate fiscal records is important in the administration of the Sheriff's Office. Procedures are necessary to control the fiscal process in order to make it more effective and efficient. The following guidelines have been established to assist employees and ensure adherence to the County of Socorro Procurement policy.

B. RESPONSIBILITIES

1. Sheriff

The Sheriff has the ultimate authority and accountability for the fiscal management of the Sheriff's Office and is responsible for the final budget preparation for submission to the County Manager. It is the responsibility of the Sheriff or Undersheriff to exercise control over and approve all expenditures of the Sheriff's Office's budget.

All budgetary requests should be submitted through the chain of command to the Sheriff. The Sheriff is responsible for the everyday operations of the fiscal affairs function of the Sheriff's Office.

2. Sheriff's Office Employees

All Sheriff's Office employees may play a role in the budget process by identifying needs and preparing requests which are submitted through their chain of command. Selected employees may be identified by the staff to assist in budget preparations of specific areas.

C. PETTY CASH

A. Petty Cash will not be used or maintained.

Records division and civil division will only accept cash, check or money orders for reports and related transactions.

B. In order to provide accountability at all levels, the following guidelines will be followed when dealing with cash, checks, or money orders.

1. Anytime a cash transaction is made, a receipt will be written or received. The Administrative Assistant or designee shall collect the money from the civil and

records divisions at a minimum of once a week and the money will be deposited with the Socorro County Treasurer's Office.

2. No cash disbursements will be made.

D. PURCHASING GUIDELINES

a) Equipment/Supplies

- a) Complete guidelines for purchases are specified in the County of Socorro Procurement Policy and Purchasing Guidelines, which is available in the Procurement Sheriff's Office.
- b) The County of Socorro utilizes purchase orders. Any employee of the Sheriff's Office requesting equipment must submit a request through the employee's chain of command.
- c) Purchase requisitions will be submitted to purchasing Office only by personnel authorized by the Sheriff. Purchase Orders are processed and issued by the purchasing Office and returned to the Sheriff's Office for execution and fulfillment.

d) Bidding procedures

1. See Socorro County procurement policies

- e) The Sheriff or his designee has the authority for emergency purchasing or rental agreements for equipment.

A. The Sheriff is responsible for requesting supplemental or emergency appropriation and fund transfers to the County Manager.

B. The Sheriff has the authority to purchase maintenance and service agreements as he deems necessary.

- f) The Sheriff or his designee has daily access to each account balance, expenditures and encumbrances made during the period and unencumbered balances.

b) Travel Request

1. See Socorro County travel request policies

E. INVENTORY CONTROL

- a) Inventory controls are set by the County of Socorro and provided for in the Socorro County Purchasing Guidelines.
- b) The Sheriff will assign a member of the Sheriff's Office to maintain a current list of inventory and will be responsible for the completion of a yearly inventory of Sheriff's Official assets.
- c) In order to maintain current and accurate fiscal records, the Executive Secretary is the central purchasing agent for the Socorro County Sheriff's Office.

- d) Any inventory/shipments received by the Socorro County Sheriff's Office budget, with the exception of those noted above, will be routed through the Executive secretary who will then distribute them accordingly.

SUBJECT: Goals and Objectives	NUMBER: 1-21.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 04-30-2018
NMMLEPSC STANDARDS: ADM.04.01	APPROVED: Sheriff

A. POLICY

The purpose of this order is to identify the organizational philosophy of the Sheriff's Office which emphasizes a positive working relationship between the public and the Sheriff's Office. This concept involves a community oriented approach to policing. Each unit's goals and objectives will be focused to achieve this philosophy.

B. GOALS AND OBJECTIVES

1. The Sheriff's Office will have a written set of goals and objectives.
2. All agency goals and objectives are established by providing each employee the opportunity to supply input into the process.
3. The Sheriff's Office and the unit goals and objectives will be provided to all personnel.
4. The Sheriff's Office Goals and Objectives will be reviewed, and updated if necessary once a year. Any updates will be provided to all personnel.

III. PLANNING AND RESEARCH

- A. It is the philosophy of this Sheriff's Office that each member has an interest and responsibility to participate in the planning process. Members will be advised when planning sessions are scheduled and are encouraged to submit suggestions.
- B. The role of the planning and research function will be to assist the Sheriff and staff in providing Sheriff's Office-wide planning and direction, and evaluation of the achievement of goals and objects.
- C. Any reports generated from Planning and Research will be disseminated to the affected individuals and divisions.
- D. Planning and Research will assist and coordinate the development of a three-year plan which will include the following:
 1. Goals and objectives;
 2. Anticipated workload and population trends;

3. Anticipated personnel levels;
4. Anticipated capital improvements and equipment needs

SUBJECT: Contract Services	NUMBER: 1-22.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 04-30-2018
NMMLEPSC STANDARDS: ADM.18.01	APPROVED: Sheriff

a) POLICY

Police services are at times requested for special events throughout the year in the County of Socorro. Businesses and other interest groups may request to hire Sheriff Deputies to provide security for their event. Special events may include but are not limited to sporting events, parades, gatherings, marches, concerts, and political conventions. Prior to the event a detailed description of the specific service(s) as well as the financial terms of the contract, duration, modification and termination of the contract as well as any liability issues will be agreed upon.

II. PROCEDURES

The Undersheriff or designee is responsible for coordinating the number of deputies present at the function and their duties.

I. It is the responsibility of the individual coordinating the event to develop a written plan, which will be maintained by the agency, that establishes at a minimum:

1. Use of special operations personnel, if needed;
2. Necessary equipment available and /or facilities;
3. Designation of a single agency person or position as supervisor and coordinator for the coverage of a given event;
4. Written estimate of traffic, crowd control and crime problems expected for any given event;
5. Logistical requirements;
6. Coordination inside and outside the agency; and
7. A contingency plan for traffic direction and control, which should include, if applicable:
 1. Entry and exit of vehicular and pedestrian traffic;
 2. Adequate parking facilities;
 3. Spectator control;

4. Public transportation;
5. Relief of deputy assigned to point traffic control;
6. Emergency vehicle access;
7. Alternate routes for through traffic;
8. Use of temporary traffic control devices;
9. News media access
10. Ensure all permits are acquired

A. After-event report

- I. The supervisor coordinating the event will complete an after action report, when requested. The report will detail any problems encountered during the event and resolutions or changes that should be considered before the next event.
- II. A copy of the after action report should be forwarded to the Sheriff through the chain of command.
 - B. Deputies will submit overtime sheet to the coordinating supervisor for approval. After approval from supervisor the deputy will submit to the approved overtime request to the deputy's supervisor so that it will included with payroll. Deputies will be paid their overtime rate unless there is an agreement for a different amount.

SUBJECT: Risk Management	NUMBER: 1-23.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 04-30-2018
NMMLEPSC STANDARDS: ADM.12.01	APPROVED: Sheriff

1. **POLICY**

It is the policy of the Socorro County Sheriff's Office to provide the safest workplace possible and to assist in the training and education of employees to reduce injury, lawsuits and liability.

II. **PROCEDURE**

1. Education

A. The Association of Counties provides a weekly Risk Assessment Program (RAP) safety training for all Socorro County employees.

B. The County of Socorro maintains a Safety Committee. The Sheriff will select a member of the Sheriff's Office to participate on the committee. This committee meets on a monthly basis unless otherwise specified.

2. Reporting

A. A report will be filed on all on duty related accidents, injuries and incidents where a high probability of liability occurs.

B. Reports will be forwarded to the Sheriff through the chain of command.

3. Analysis

A. An analysis of accidents, injuries, or other areas with a high probability of liability will be conducted on an as needed basis.

B. information will be compiled from the on duty injury reports and the filing of Tort claims or liability lawsuits.

C. Analysis reports will forwarded to the Sheriff through the chain of command.

SUBJECT: Community Relations	NUMBER: 1-24.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 04-30-2018
NMMLEPSC STANDARDS: ADM.21.01, ADM.21.02, ADM.22.01, ADM.22.02	APPROVED: Sheriff

B. POLICY

Community involvement is essential to the operation of any law enforcement agency. The citizens are the eyes and ears of the Sheriff's Office. Without the assistance and acceptance of the community, a Sheriff's Office cannot function effectively. All avenues must be utilized in promoting the respect and cooperation of the public with the Sheriff's Office.

It is the policy of the Socorro County Sheriff's Office to involve all Sheriff's Office personnel in a county-wide community relations effort. This includes working to establish an attitude that the Sheriff's Office is an integral part of the community. Citizen participation and interaction with the deputies is necessary to achieve a condition within the community where the normal application of law enforcement may prevail. It is the policy of the Sheriff's Office that community relations and community education is a shared effort of each and every employee.

The Socorro County Sheriff's Office is committed to the prevention of crime through educational law enforcement.

C. GOALS AND OBJECTIVES

A. To create and maintain liaison with community groups and organizations.

1. This includes exchanging information, identifying Sheriff's Office service needs of the community, promoting deputy/citizen contacts, acquainting each other with mutual problems and encouraging action aimed at solving these problems.
2. Information obtained in these meetings may be used to provide direction in development or modification of Sheriff's Office policies, procedures, and programs.

B. To educate citizens about the functions and operations of the Sheriff's Office.

C. The Sheriff's Office strives to provide, through established programs and the media crime awareness information and crime prevention procedures. The intent is to assist the public in reducing its victimization rate and its fear of crime.

D. To inform the public that crime prevention is a cooperative effort between the Sheriff's Office and the citizens of Socorro County.

E. To assist in organizing crime prevention groups in residential areas through the Neighborhood Watch Program.

- F. To present crime prevention programs and maintain liaison with diverse community groups including, but not limited to:
 - A. The business community
 - B. Local citizens groups:
 - C. Local civic associations
 - D. Church groups
 - E. Schools
 - F. Concerned citizens
- G. To participate in social service and criminal justice diversion programs through a variety of crime prevention programs.

III. RESPONSIBILITIES

- A. Sheriff's Office Personnel
 - A. No one can do more to foster good community relations than the employee who is in contact with the public on a day to day basis. Each employee has the responsibility to cultivate the respect and cooperation of the public in these day to day contacts. Employees must realize that their actions and demeanor every contact with a citizen has an impact on community relations.
 - B. The Sheriff's Office is committed to correcting actions, practices, and attitudes which may contribute to community tensions and grievances.
 - C. It is the responsibility of all deputies of the Sheriff's Office to provide basic crime awareness and prevention information to citizens when answering calls for service or through informal contacts.

IV. PROGRAMS

- 1. Crime Prevention Programs include, but are not limited to:
 - 1. Neighborhood Watch Program
 - 2. Programs of interest to business owners (ex. Shoplifting Awareness, Worthless Check procedure, Fraud information, etc.)
 - 3. Drug and Alcohol Information
 - 4. School programs
- I. Crime Prevention Programs may be presented by any deputy in the Sheriff's Office having expertise in the area of concern. Deputies must have Sheriff's Office approval prior to presenting any program or presentation.
- C. The deputy may also utilize individuals from the community to assist in presentation of programs.

V. ANNUAL REPORT

- A. Socorro County Sheriff's Office will prepare a report on an annual basis of citizens concerns, potential problems and recommendations. The report will be generated by the Captain or his designee

SUBJECT: Employee Assistance Program	NUMBER: 1-25.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 04-30-2018
NMMLEPSC STANDARDS: PER.11.01	APPROVED: Sheriff

A. PURPOSE:

An Employee Assistance Program (EAP) is a voluntary, work-based program that offers free and confidential assessments, short-term counseling, referrals, and follow-up services to employees who have personal and/or work-related problems. EAPs address a broad and complex body of issues affecting mental and emotional well-being, such as alcohol and other substance abuse, stress, grief, family problems, and psychological disorders. The EAP provides assessment, counseling, and referral services designed to assist employees in resolving personal problems in a confidential, appropriate and timely problem assessment services which may impair job performance, thereby enhancing productivity and reducing absenteeism and turnover.

B. ELIGIBILITY:

All full-time, part-time, and temporary employees are eligible to access the services of the EAP at any time. Members of employees' immediate families, living in their households, are also eligible.

C. CONFIDENTIALITY:

Successful treatment of personal problems requires strict confidential management of each case. All records, contacts, and referrals will be treated in a strictly confidential manner. Notwithstanding any other provision of this policy, exceptions regarding confidentiality may be made in cases where the employee's behavior indicates imminent danger to himself/herself or others or in cases of suspected child abuse where state law mandates reporting.

D. REFERRAL TO EAP:

A. Self-Referral

1. The employee contacts Socorro County Human Resources or the designated EAP coordinator and makes an appointment.
2. Records: All communications between the employee and the EAP Coordinator will be held in confidence. Information will be released only with written permission of the employee and only to individuals designated by the employee.

3. Appointments that cannot be scheduled for non-working hours, the employee may use approved sick leave or annual leave.

B. Supervisor Referral

1. An employee is formally referred to the EAP by a supervisor who has been trained in the program services. This referral to the EAP is to be used as a tool to assist the supervisor and the employee in taking steps to improve the employee's work performance. A formal supervisory referral should be used in conjunction with the Sheriff's Office's discipline policy. Formal supervisory referrals may be used in any of the following circumstances:
 1. Continued decline in job performance after normal disciplinary action;
 1. Continued job-related critical incidents after normal disciplinary action; or
 1. A single serious job-related critical incident or sudden serious decline in job performance.
 2. The supervisor will counsel the employee with written documentation of an employee's poor work performance on the county's disciplinary action form. "The supervisor should not attempt to determine the specific nature of or personally treat the problem. **THE EMPLOYEE'S PERSONAL PROBLEMS SHOULD NOT BE DISCUSSED WITH OTHERS.**"
 3. Records pertaining to disciplinary action relating to job performance will continue to be retained in the employee's official employment record.
- C. Cost of Services: The cost of initial assessment, counseling, and referral services will be paid for by the County of Socorro. More extensive services may be paid through the employee's health benefit program or by the employee. The EAP Coordinator will assist the employee in determining the anticipated cost and methods of payment before the referral is made for treatment services.

SUBJECT: Personnel Early Warning	NUMBER: 1-26.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 04-30-2018
NMMLEPSC STANDARDS: PER.11.02	APPROVED: Sheriff

A. POLICY:

This system is designed to assist supervisors in identifying sheriff's Office employees whose performance indicates that intervention may be required. A review may be necessary to determine appropriate action. It does not relieve the supervisor of the normal responsibility to monitor and initiate a review and remedial action as warranted, of his/her assigned employees performance related issues. Provides a means to identify patterns of complaints, use of force or misconduct incidents to enable supervisors to address training or other needs and improve employee performance.

B. REVIEW PROCEDURE

- B. The personnel early warning system shall activate when an employee has three or more sustained complaints of misconduct within three years.
- C. The executive secretary maintains all complaints, pursuit reports and use of force records.
- D. The executive secretary shall notify the Sheriff in writing if the personnel early warning system has been activated. The notification should include:
 - C. The date of the incident(s)
 - D. The general allegations
 - E. The disposition of the incident(s)
 - F. Any discipline administered
- E. The Sheriff will determine if the file will be reviewed by the Captain. The employee's supervisor should then be notified that the personal early warning system has been activated. A review of the employee's files will be conducted consisting of, but not limited to:
 - I. Use of force
 - II. Sick or other leave use

III. Performance evaluations

IV. Chronological file

REPORTING AND RECOMMENDATIONS

- I. The Captain reviewing the file shall submit a written response, through the chain of command, to the Sheriff with their findings, and a plan for improvement, if applicable. Possible corrective measures may include, but are not limited to:
 1. Counseling by peers, supervisors or commanders
 2. Referral to the employee assistance program
 3. Remedial training to address identifiable problems
 4. Reassignment or transfer
1. The Captain shall be responsible to insure that, after the Sheriff approves any corrective measures, and those measures are accomplished in timely manner.
1. The personnel early warning system shall be reviewed annually to evaluate the system's effectiveness and make changes as required.
2. The employee's supervisor will notify the employee of the review when it is initiated and the basis for the review. The employee shall be notified in writing of the final determination.

SUBJECT: Communicable Diseases	NUMBER: 1-27.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 04-30-2018
NMMLEPSC STANDARDS: PER.10.01	APPROVED: Sheriff

1. PURPOSE

Law Enforcement works in environments that provide inherently unpredictable situations. Therefore Law Enforcement Officers may face the risk of exposure to blood during the conduct of their duties. For example, at the crime scene or during processing of suspects, law Enforcement Officers may encounter blood-contaminated hypodermic needles or weapons or be called upon to assist with body removal. Deputies similarly may be required to search prisoners or their cells for hypodermic needles or weapons or subdue violent and combative inmates.

The following section presents information for reducing the risk of acquiring HIV and HBV infection by law Enforcement Officers as a consequence of carrying out their duties. However, there is an extremely diverse range of potential situations which may occur in the control of persons with unpredictable, violent or psychotic behavior. Therefore, informed judgment of the individual deputy is paramount when unusual circumstances or events arise. These recommendations should serve as an adjunct to rational decision making in those situations where specific guidelines do not exist, particularly where immediate action is required to preserve life or prevent significant injury.

2. RULES AND REGULATIONS

1. Infectious Disease or communicable disease is one that can be transmitted from person to person or from an infected animal or the environment to a person.
2. Blood is the single most important source of HIV, HBV and other blood-borne pathogens in the occupational setting, and preventing transmission must focus on blood and other body fluids containing visible blood. Precautions apply to semen, pleural, peritoneal, pericardial, urine, feces and amniotic fluid.
3. When working in an environment in which body fluids are known to be present, the measure of protection will be barriers of protective clothing and universal precautions.
4. Protective clothing consists of gloves, boots, goggles and face masks. Goggles and face masks are to be used only in environments in which body fluids become aerosolized or splattering is likely to occur.
5. Work environments include but are not limited to sewers, open sewers, bathrooms, rendering first aid and CPR, and assisting the public.

6. Hands and other skin surfaces shall be washed immediately and thoroughly if contaminated with blood or other body fluids or after having been in contaminated areas.
7. Needles and sharp instruments should not be recapped. Do not remove used needles from syringes. Do not bend, break or otherwise manipulate any needle. Place syringe and needle combinations and other sharp items in puncture-resistant containers for proper disposal.
8. Body fluid spills should be hosed down a drain or wiped up and cleaned with a disinfectant solution when wearing the proper protective equipment.
9. Sheriff's Office personnel may come into contact with a communicable disease when responding to batteries, performing CPR, during searches, assisting medical personnel and other circumstances.
10. Sheriff's Office personnel should use precautions in situations where they may come into contact with communicable diseases. Precautions may include gloves, face mask, or protective suit.
11. The Undersheriff is responsible for the communicable disease program.

12. Reporting exposure

1. Sheriff's Office personnel shall notify a supervisor as soon as practical.
 2. Ensure that a first line injury report is completed, documenting the time and nature of exposure. Deputies should also document the incident in an incident report.
- E. Personnel shall attend a training session coordinated by the Captain as required on the prevention and spread of infectious diseases.

13. Exposure to a communicable disease through contact with blood or potentially infectious body fluids through the following methods:

- I. Needle sticks.
- II. Contact of blood or blood-contaminated body fluids with chapped or non-intact skin, open wounds or mucous membranes.
- III. Saliva in a human bite.

14. Medical treatment

- III. Immediately wash the affected area with soap or a decontaminating solution.
- IV. Consult the proper medical authority for assessment, counseling and preventive treatment as appropriate.
- V. Some types of exposure, for example human bites, require attention to prevent other types of infection.

15. Records keeping

1. The employer shall establish and maintain an accurate record for each employee.

2. The employer shall assure that employee medical records are kept confidential and are not disclosed or reported to any person within or outside the work place.
3. The employer shall maintain this record for at least the duration of employment plus 30 years in accordance with "29 CFR 1910.20, Access to Employee Exposure and Medical Records."

SUBJECT: Compensation, Benefits, and Conditions of work	NUMBER: 1-28.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 04-30-2018
NMMLEPSC STANDARDS: PER.03.01, PER.03.02, PER.03.03	APPROVED: Sheriff

I. POLICY

All compensation, benefits, and conditions of work will fall under the current Socorro County Personnel Rules and Regulations or as further defined by the County Commission.

II. COMPENSATION, BENEFITS, AND WORK CONDITIONS:

A. Salary Program

- A. Entry level salary for the agency;
- B. Salary differential within ranks;
- C. Salary differential between ranks;
- D. Compensatory time policy;
- E. Overtime Policy

B. Leave Program

- 1. Administrative leave
- 2. Holiday leave
- 3. Sick leave
- 4. Vacation (annual) leave
- 5. Bereavement leave

C. Other benefits

- I.** Retirement program
- II.** Health insurance program
- III.** Disability and death benefits program
- IV.** Liability protection program
- V.** Employee educational assistance program

A. CLOTHING ALLOWANCE

Deputies will be issued a purchase order to purchase uniforms as needed. Deputies will be responsible for all equipment, uniforms, jackets and boots.

SUBJECT: Safe Haven	NUMBER: 1-29.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 04-30-2018
NMMLEPSC STANDARDS: None	APPROVED: Sheriff

1. POLICY

It is the Policy of the Sheriff's Office to provide a "Safe Haven" site for infants of 90 days or less in age, as required by NMSA 1978 Section 24-22-4.

2. RULES AND REGULATIONS

1. The Sheriff's Office is designated a Safe Haven Site.
2. All personnel shall accept an infant who is left with the Sheriff's Office.
3. A person may leave an infant with the Sheriff's Office without being subject to criminal prosecution for abandonment or abuse if the infant is ninety day old or less.
4. Sheriff's Office personnel may ask the person leaving the infant the name of the biological mother or father, infant's name, and any medical conditions, however they are not required to provide the information.
5. Sheriff's Office personnel will ask the person leaving the infant whether the infant has a parent who is a member of an Indian Tribe They are not required to answer however this will be documented in the incident report.
6. Once an infant has been accepted the following actions will be taken.
 1. Call for medical personnel to evaluate the infant
 2. If there are any injuries, photographs will be taken and documented;
 3. If the infant child is not of an Indian Tribe then contact CYFD to obtain custody of the infant child;
 4. If the parents are of an Indian Tribe, contact BIA to obtain custody of the infant child;
 5. An incident report will be made documenting what occurred.

When a person leaves an infant child at a "Safe Haven" site they are not required by law to provide any information regarding themselves or the infant child. Personnel should make every effort to obtain as much information regarding the infant child and their medical history/concerns as possible without violating the "Safe Haven for Infants Act".

SUBJECT: Promotions	NUMBER: 1-30.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 05-01-2018
NMMLEPSC STANDARDS: PER.07.01, PER.07.02	APPROVED: Sheriff

POLICY: A Supervisory position is crucial to the operation of the Sheriff's Office and to best-match an applicant with a supervisory position and the needs of the Sheriff's Office the following procedures will be followed.

I. PROCEDURES:

- A. Open Supervisor position will be posted for minimum five (5) business days. The position will be open to all individuals who have experience in Law Enforcement.
- B. Interested applicants that meet the minimum requirements of the position must submit an application to the Socorro County HR division. The application should at minimum indicate the applicants work experience and qualifications for the supervisory position for which the applicant has applied.
- C. Any applicant that does not meet the minimum requirements of the position will be disqualified.
- D. The applicant will be evaluated utilizing the following criteria:
 1. Corporal – Work history will be reviewed for twelve (12) months. (No suspension or demotion within the last 12- months a minimum of two (2) years experience as a law enforcement officer or related field is required.)
 2. Detective – Work history will be reviewed for twelve (12) months. (No suspension or demotion within the last 12-months, a minimum of four (4) years experience as a law enforcement officer or related field is required, two (2) years of narcotics investigative experience.
 3. Sergeant – Work history will be reviewed for twelve (12) months. (No suspension or demotion within the last 12-months, a minimum of four (4) years experience as a law enforcement officer or related field is required, two (2) years of supervisory experience.)
 4. Captain – Work history will be reviewed for twelve (12) months. (No suspension or demotion within the last 12-months, a minimum of eight (8) years experience as a law enforcement officer or related field is required, four (4) years supervisory experience.)
- A. Disciplinary Records will be reviewed and the following disciplinary actions will be considered when the applicant's package is reviewed.

Oral Reprimand in the applicant's personnel file.

Written Reprimand in applicant's personnel file.

Suspensions or Demotions in applicant's personnel file.

B. Achievement Records

1. Professional Development, training and recognition for outstanding service.

C. Attendance Records including being in the appointed place, at the appointed time in the appointed uniform.

D. Oral Board

1. Each applicant will attend an oral interview by a panel of at least 3 supervisors, managers or other person selected by the Sheriff.

E. The oral portion of the selection process will explore the applicant's knowledge of law enforcement, judgement, critical thinking skills and ability to effectively communicate.

F. Selection

1. The Sheriff will make the final selection for the position.

SUBJECT: Grievance Procedure	NUMBER: 1-31
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 05-01-2018
NMMLEPSC STANDARDS: PER.08.01, PER.08.02, PER.08.03	APPROVED: Sheriff

The Sheriff's Office grievance procedures are done in accordance with County Policy which is located in Appendix G of this manual.

SUBJECT: Disciplinary Procedure	NUMBER: 1-32
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 05-01-2018
NMMLEPSC STANDARDS: PER.09.02, PER.09.03, PER.09.04, PER.09.05	APPROVED: Sheriff

The Sheriff's Office disciplinary procedures are done in accordance with County Policy which is located in Appendix G of this manual.

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Reserved

SUBJECT: Limits of Authority	NUMBER: 2-1.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 05-01-2018
NMMLEPSC STANDARDS: ADM.02.01, ADM.02.02, ADM.02.03, ADM.02.06	APPROVED: Sheriff

A. POLICY

Of all the actions a deputy might take during the course of duty, the ones with the most severe consequences concern constitutional rights. The use of deadly force might result not only in injury or death but a review of the constitutionality of the act. Similarly, the arrest of a person for a misdemeanor shoplifting, by contrast, invokes the law of arrest and search and seizure issues that are controlled by the Constitution. The U.S. Constitution and the Bill of Rights guarantee every individual certain safeguards from government intrusion into their lives. These safeguards have become the cornerstone for the application of criminal justice in America. Consequently, these safeguards have placed limitations on the authority of police to enforce the laws of the United States, State of New Mexico, and the County of Socorro. The Sheriff's Office expects deputies to observe constitutional safeguards scrupulously and knowledgeably. The Sheriff's Office further expects that deputies understand the limits and prerogatives of their authority to act. Respect for the civil liberties of individuals shall be the paramount concern in all enforcement matters.

B. RULES AND PROCEDURES

a. General

i. Law Enforcement Authority

1. *New Mexico State Statute 4-41-2* authorizes the County Sheriff to be the conservator of the peace within his county; shall suppress assaults and batteries, and apprehend and commit to jail, all felons and traitors, and cause all offenders to keep the peace and to appear at the next term of the court and answer such charges as may be preferred against them.
2. *New Mexico State Statute 4-41-9* authorizes deputies to discharge all the duties which belong to the Office of the Sheriff, which may be placed under their charge by their principals, with the same effect as though they were executed by the respective sheriffs.
3. *The Constitution of New Mexico article XX sec.1* requires that all deputies, before performing their duties, take an oath whereby they swear to support the Constitution of the United States and the Constitution and the laws of New Mexico.

2. Limitations on law enforcement authority

Limitations on law enforcement authority are derived from statutes, federal, state, and local judicial interpretation of laws, opinions of the attorney general and, Sheriff's Office policies/rules and regulations, and county administrative decisions.

Statutory limitations include, but are not limited to

- a) Enforcement of laws outside of the county limits. *NMSA 31-2-8* grants authority to enforce state criminal laws beyond the boundaries of the county during fresh pursuit.
- b) *NMSA 29-8-3* allows Sheriff's Deputies to be sent to other New Mexico jurisdictions by use of a Mutual Aid agreement to assist another locality in meeting an emergency involving any immediate threat to life or public safety, as outlined in the statute. Further, *NMSA 29-8-3* allows localities to enter into reciprocal agreements with localities to provide mutual aid. Notwithstanding the provisions of this statute, New Mexico Law allows the Sheriff, in a declared emergency, to call upon other chief law-enforcement Officers of towns or counties to provide law-enforcement assistance without a need to deputize Sheriff's Deputies from other jurisdictions.

b. Probable Cause

Searches (with the few important exceptions outlined in these procedures) and all arrests are based on the Sheriff's Deputies perception of probable cause. According to the Supreme Court, "Probable cause exists where the facts and circumstances within their [the arresting Sheriff's Officer's] knowledge and of which they had reasonable trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed."

C. Deputies must have probable cause to undertake a search or make an arrest.

D. When a deputy has probable cause, he or she may undertake a complete search, record the suspect's fingerprints, take the suspect's photograph, and jail him. The aim of probable cause is to make a formal charge.

E. Elements of probable cause:

1. Probable cause may be established through investigation and observation, witnesses, confidential informants, or through anonymous sources provided that the information is backed by investigation and bears indicia of reliability.
2. Unnamed informants may be used in an affidavit for a search warrant if information is included about why the informant is credible (reliability) and the informant has knowledge of specific use in the investigation.

a) Reasonable Suspicion

Reasonable suspicion involves a standard less than probable cause, generally defined by the courts as a circumstance or collection of circumstances that would lead a trained, experienced Sheriff's Deputy to believe that criminal activity may be afoot.

1. A deputy must have reasonable suspicion to temporarily detain an individual.
2. When a deputy has reasonable suspicion, he or she may undertake a pat-down of a suspect's outer clothing for weapons and record the circumstances of the encounter. The aim of reasonable suspicion is to resolve an ambiguous situation.

F. Search And Seizure - Warrantless Searches

i. Conditions

Police action is termed a **search** where (1) there is a "prying into hidden places by the police Officer" and (2) the person whose premises or person is being searched has a reasonable expectation of privacy.

The Fourth Amendment guarantees the right for people to be free from unreasonable searches and seizures of their homes, persons and things. The Supreme Court is continuously interpreting the Fourth Amendment as it applies to police conduct. Illegally seized items of evidence will not be admitted in court and may be cause for a lost criminal case. Additionally, an illegally conducted search invites civil suits under the Civil Rights Act. In order to ensure that Fourth Amendment rights are protected, deputies will obtain search warrants upon probable cause in all appropriate criminal cases except for the following circumstances:

- i. Consent searches
- ii. Emergency searches
- iii. Plain view
- iv. Abandoned property and open fields
- v. Inventory searches of vehicles
- vi. When executing arrest warrants
- vii. Incident to arrest
- viii. Pat-downs of suspicious persons

As a general rule, no arrest warrant or search warrant is required for an arrest in a public place, as long as probable cause exists.

ii. Consent

- a) A search warrant is not necessary where a person who has authority or control over the thing or place searched consents to the search. Note that the deputy doesn't have to have reasonable suspicion nor probable cause to make a consent search: he or she may merely ask for permission from someone with control over

the premises. If that person grants permission, the search may take place. **The sole justification for a consent search is the existence of voluntary consent.**

b) Consent searches must observe the following rules:

- a) Generally, the person granting consent must use, access, or control the property. A person having exclusive possession of some part of jointly-owned property can only give consent for a search of that part.
- b) If two people have joint ownership of property, either may give consent.
- c) A landlord, including a hotel or motel manager, cannot consent to a search of a tenant's premises, unless the tenant has been evicted or has abandoned the property.
- d) A husband or wife, or one member of a cohabiting unmarried couple, may consent to a search of areas in common ownership or use.
- e) A parent may consent to a search of premises occupied by a dependent child if the parent also has access to the premises.
- f) An employee cannot give valid consent to a search of his employer's premises unless he has been left in custody of the premises.
- g) An employer may generally consent to a search of premises used by employees, except premises used solely by an employee (e.g., a locker).

c) Consent must be given voluntarily. If a deputy requests consent from an individual under circumstances which a reasonable person would consider coercive, then deputies must seek a warrant. The deputy may have the burden of demonstrating voluntary consent.

- a) A person who initially gives consent may withdraw it at any time. Deputies shall then secure the premises and seek a warrant.
- b) Refusal to give consent, in itself, cannot justify further law-enforcement action.
- c) The scope of a consent search is limited to the area for which consent has been given, and within this area deputies may search only into areas where the objects sought could reasonably be hidden.

iii. Emergency searches

- a. A search warrant is not necessary in an emergency. An emergency is sometimes termed "exigent circumstances." Exigent circumstances are defined as an emergency situation requiring swift action to prevent imminent danger to life or serious damage to property, or to forestall imminent escape of a suspect or destruction of evidence.
- b. Ten considerations determine whether an emergency exists:
 - i. The degree of urgency involved and the time required to get a warrant.
 - ii. Deputy's reasonable belief that contraband is about to be removed or destroyed. [Note that not all crimes are serious enough to create exigent circumstances. See "v" below.]

- iii. The possibility of danger to others including deputies left to guard the site.
- iv. Information that the possessors of contraband are aware that deputies are on their trail.
- v. Whether the offense is serious, or involves violence.
- vi. Whether deputies reasonably believe the suspects are armed.
- vii. Whether the deputies have probable cause at the time of entry.
- viii. Whether the deputies have strong reason to believe the suspects are present on the premises.
- ix. The likelihood that the suspects will escape.
- x. The suspects' entry onto premises after hot pursuit. To justify warrantless entry following hot pursuit, the arrest process must have begun away from the premises, the offender knows that he or she is under arrest, and the offenders tries to avoid arrest.
- xi. A reasonable belief that someone on the premises is in distress and in need of emergency assistance.

- c. If deputies enter premises with probable cause and believe that critical evidence may be destroyed or removed unless immediate action is taken, they may enter without a warrant, secure premises, and obtain a search warrant before proceeding further unless they have obtained consent to search, or some new circumstances arise necessitating another warrantless search.

iv. Plain view

A plain view seizure is, technically, not a search. To make a plain view seizure of property (contraband, fruits or instruments of the crime), two requirements must be met:

- a) From a lawful vantage point, the deputy must observe contraband left in open view; and
- b) It must be immediately apparent to the deputy that the items he or she observes may be evidence of a crime, contraband, or otherwise subject to seizure.

v. Abandoned property and open fields

- a) A search warrant is not required for property that has been abandoned.
- b) To constitute abandoned property, two conditions must apply:
 - i. Property was voluntarily abandoned.
 - ii. Property was discarded outside the area in which someone has a reasonable expectation of privacy.
- c) Open fields are not protected by the Fourth Amendment, but deputies must distinguish them from curtilage, searches of which require a warrant. **Curtilage** is the area of a dwelling, which is necessary, convenient, and habitually used by the family for domestic purposes. The extent of curtilage of a private residence, is determined by whether the area is enclosed; the nature and use of the area; the proximity of the area to the home; and any measures taken by the owner to

protect the area from observation. Note that under some circumstances surveillance of activities within curtilage may take place without a warrant.

vi. Inventories of vehicles

- i. The Sheriff's Office requires deputies to inventory any lawfully impounded vehicle, or a vehicle removed from the street and placed in police custody. Any evidence or contraband found during the inventory may be used to formulate probable cause for a subsequent search or arrest. Vehicles shall be inventoried per Sheriff's Office procedure, which requires an inventory of the entire contents, including closed containers (provided they can be opened without breakage). The purpose of an inventory is to ensure safekeeping of private property and to protect the Sheriff's Office from liability. To repeat, in order to justify an inventory of a vehicle:
 1. deputies must have lawful custody of it; and
 2. the inventory shall be conducted pursuant to Sheriff's Office policy; and
 3. the scope of the inventory shall be limited to those parts of a vehicle likely to conceal important, hazardous, or valuable items including, but not limited to, the passenger compartment, the trunk, and glove compartment.
- ii. Closed containers may be examined if they are likely to contain valuable property. If closed containers are locked or sealed, they shall not be forced open but simply logged on the inventory form.
- iii. The vehicle and its closed containers shall not be damaged.

vii. Protective sweep

Deputies may undertake a "protective sweep" of premises, without a warrant, following the arrest upon a warrant. Certain limitations must be observed, however:

1. The purpose of the protective sweep is to discover persons on the premises who might present a danger to deputies or others.
2. Incident to arrest, deputies may look into closets or other spaces immediately adjoining the place of arrest where threatening persons might be located.
3. In order to extend the protective sweep beyond closets and adjoining spaces, deputies must have reasonable suspicion for fearing that persons may be on the premises who pose a threat. In such cases, the sweep is limited to examining places where a person might hide.
 - a) Deputies shall carefully document their reasonable suspicion.
4. During a protective sweep, evidence discovered in plain view may be seized.
5. The sweep must cease when deputies have dispelled a reasonable suspicion of danger.

(Note: With a search warrant, a protective sweep is always justified.)

G. Eyewitnesses

a) Identification

Eyewitness identifications may take the following form.

1. On-scene investigation:

One-on-one identifications have been held constitutional so long as the period of time between the offense and the identification is brief. One to three hours would be a reasonable amount of time.

2. Line-ups:

Line-ups should be conducted using a minimum of six persons having similar physical characteristics as the suspect. The accused has the right to have an attorney present during the line-up and the line-up may not take place until the attorney is present. The attorney may not offer any suggestions concerning the conduct of the line-up, but may merely observe. Deputies shall document the date, time, place, name of participants and witnesses, and the location of suspect/participants in the line-up.

3. Photo line-ups:

In conducting photo line-ups, the photos shall depict persons displaying similar physical characteristics as the suspect. Simply showing an eyewitness a single photo of the suspect has been ruled unconstitutional. As a general rule, a photo line-up containing 6-8 photos is reasonable. Photographs shown to witnesses shall not contain any identifying information. Photo line-ups will be documented as under (b) above.

b) Hearsay

a) Deputies shall understand the rules by which hearsay can be considered evidence and therefore of use in an investigation.

According to the New Mexico Supreme Court, hearsay is "evidence not proceeding from the personal knowledge of the witness, but from the mere repetition of what he has heard others say."

b) Hearsay is generally inadmissible in court.

c) Some hearsay is useful as evidence. Exceptions to the Hearsay Rule, and therefore admissible include:

a) A dying declaration or a statement, oral or written, made by a mortally wounded person who knows that he is about to die and has abandoned hope of recovery.

- b) Spontaneous declarations, or exclamations of a participant or bystander concerning an incident, made without time for reflection.
- c) Public records, or reports prepared by public officials under a duty imposed by law or regulation.

1. Vehicles

In recent years, the U.S. Supreme Court has modified and expanded the conditions under which deputies may search vehicles. Preferably, deputies shall search vehicles under the authority of a warrant whenever sufficient time exists to obtain one. Nevertheless, warrantless searches of vehicles may take place under many conditions and circumstances. It is imperative that deputies understand the different types of vehicle searches and their limitations.

a) Definitions:

- a) For the purposes of this section, a **motor vehicle** is any vehicle operating or capable of being operated on public streets or highways, from trucks to automobiles to mobile homes. A vehicle that has been immobilized in one location for use as a storage facility or home is not a motor vehicle for 4th Amendment purposes.
- b) For the purposes of this section, a **search** is an examination of a motor vehicle with an investigative motive, that is, to discover evidence or to examine the vehicle identification number (VIN) to ascertain ownership.

b) When warrantless vehicle searches may be performed

As noted earlier, warrants shall be obtained to search vehicles, if feasible, unless exigent circumstances are present. Any vehicle that has been disabled with little chance of its being driven away shall be searched with a warrant. In all other cases, vehicles may be searched without a warrant:

- a) when probable cause exists;
- b) with the driver's consent;
- c) incident to the arrest of the occupants;
- d) to frisk for weapons;
- e) when necessary to examine the VIN or to otherwise ascertain ownership;
- f) under emergencies or exigent circumstances; or
- g) inventory search.

c) Searches may be conducted within the following limitations:

- i. **With a warrant**, a search may extend anywhere within the vehicle, unless limited by the warrant itself.
- ii. **When probable cause exists**, a search may extend anywhere within the vehicle, unless the probable cause is limited to a specific part of the vehicle.

- iii. **When consent has been obtained** from the driver, deputies may search the vehicle subject to any limitations specified by the consenting person. Consent shall be obtained in writing, if feasible.
- iv. **Searches incident to the arrest** of an occupant shall be limited to any area within reach of the arrestee. The area within reach is deemed to be the passenger compartment. The trunk, engine compartment, and any locked compartments shall not be searched.
- v. **Frisks for weapons** shall be confined to the passenger area. Any place not immediately accessible to the occupants, such as a locked glove compartment, shall not be frisked. **If** the contents of a container are immediately accessible to the subject, a closed container may be searched for weapons. Note that a deputy can order the suspect from the vehicle and frisk **both** the suspect and the vehicle.
- vi. **An entry into the vehicle to examine the VIN** or otherwise determine ownership must be limited to these purposes.
- vii. **An emergency search** of the vehicle may be conducted but the extent of the search must not exceed whatever is necessary to respond to the emergency.
- viii. Inventory Search

Note: If the initial search under the above conditions gives rise to probable cause that evidence, contraband, fruits or instrumentalities of the crime might be found elsewhere in the vehicle, deputies may search those areas that might reasonably contain such items.

d) Containers within the vehicle:

As a rule, no container within a vehicle shall be searched unless it might contain the item(s) sought.

i. Procedures for unlocked containers:

- a) In a **probable cause search**, containers may be opened wherever found in the vehicle.
- b) When the passenger area is searched **incident to an arrest**, containers within the passenger area may be opened.
- c) During a **consent search**, containers may be opened provided that the terms of the consent either so permit or reasonably imply permission.
- d) Containers found in or discarded from a vehicle under circumstances not amounting to probable cause or in connection with a search incident to an arrest shall not be searched but shall be secured until a warrant is obtained.

ii. Procedures for locked containers:

- 1. Under most conditions, locked containers shall be opened only under a warrant unless
- 2. Consent has been given, or

3. When probable cause exists to search the vehicle and the object of the search might be found in the container. (Even in this circumstance, a warrant is preferred.)

e) Conduct of the vehicle search:

- a) When possible, searches of vehicles shall be conducted contemporaneous with the stopping or discovery of the vehicle. As a general rule, vehicle searches shall be conducted as soon as reasonably possible.
- b) When possible, deputies shall avoid damaging a vehicle or its contents, and shall minimize the intrusiveness of the search and any inconvenience suffered by the passengers or owner.
- c) As vehicles may contain sharp or pointed objects, and perhaps even syringes or other materials with body fluids on them, deputies shall take precautions to minimize exposure to communicable diseases.

A. Limitations On Authority

1. Limitations on law enforcement authority by the District attorney

Occasionally, the District attorney may issue opinions to the Sheriff's Office imposing limitations on deputies. These areas include, but are not limited to:

- a) Prosecution of certain cases,
- b) Extradition,
- c) Enforcement of certain statutes pending opinions from the Attorney General's Office.

2. Changes in laws/interpretational limitations

Periodically, changes take place which may impose new limitations on police authority or remove or alter existing limitations. Normally, annual updates on such changes are provided to all personnel by the District attorney. In case immediate changes in Sheriff's Office operations are required, the District attorney's Office may provide information orally and confirm it in writing.

B. Constitutional Requirements: General

Compliance with constitutional requirements during criminal investigations:

- a) All deputies when conducting criminal investigations shall take all precautions necessary to ensure that all persons involved are afforded their constitutional protections. Deputies shall ensure that:
 - I. All statements or confessions are voluntary and non-coercive.
 - II. All persons are advised of their rights in accordance with this general order.
 - III. in all instances when an individual is arrested without a warrant, deputies shall prepare a completed criminal complaint prior to completing the booking

process. A copy of the criminal complaint will be given to the defendant and one copy will be left with the Booking Officer. Once the booking process is complete deputies will immediately place a copy of the criminal complaint in the locked box in the records Sheriff's Office.

- IV.** All persons accused or suspected of a criminal violation for which they are being interrogated are afforded an opportunity to consult with an attorney.
- V.** Prejudicial pre-trial publicity of the accused is avoided so as not to interfere with a defendant's right to a fair and impartial trial.

b) Limitations on intelligence activity:

- A. Sheriff's Office intelligence gathering activities shall be limited to that information concerning criminal conduct that presents a threat to the community.
- B. Sheriff's Office personnel and equipment shall only be used in conjunction with intelligence gathering activities, as defined above, in full compliance with all law, and only with the advance approval of the Sheriff.
- C. Intelligence information will be collected, used and processed in full compliance with all laws.

SUBJECT: Use of Force	NUMBER: 2-2.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 05-01-2018
NMMLEPSC STANDARDS: ADM.05.01, ADM.05.02, ADM.05.03, ADM.05.04	APPROVED: Sheriff

1. **POLICY**

The Socorro County Sheriff's Office will establish guidelines governing the use of force and its limitations, and to describe prohibitive activities. All deputies will be trained and issued copies on the Sheriff's Offices Use of Force Policy before being authorized to carry a firearm.

2. **DEFINITIONS**

a) DEADLY FORCE

1. The firing of a firearm, even though no intent exists to kill or inflict serious physical injury.
2. Any force applied in any manner by any means that could reasonably be expected to cause death or serious physical injury.

b) LESS-LETHAL FORCE

Any use of force other than that which is considered deadly force.

c) FIREARMS

Any weapon from which a projectile is forcibly ejected by an explosive.

d) REASONABLE BELIEF

When facts or circumstances the deputy knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

e) SERIOUS PHYSICAL INJURY

A physical injury, which creates a substantial, risk of death, or which causes death or serious and protracted disfigurement, or impairment of the function of any bodily organ or limb.

f) EXCESSIVE FORCE

1. Force is excessive when its application is inappropriate to the circumstances, resulting in injury to a suspect. In determining whether force has been excessively applied, the primary concern is whether the on-scene deputy reasonably believes that its application

was necessary and appropriate. Based on the reasonableness standard, excessive force may be determined based on:

- A. the severity of the crime;
 - B. the nature and extent of the threat posed by the suspect;
 - C. the degree to which the suspect resists arrest or detention; and
 - D. any attempts by the suspect to evade arrest by flight.
2. In evaluating the reasonable application of force, deputies must consider their own age, size, strength, skill level with Sheriff's Office weapons, state of health, and the number of deputies opposing the number of suspects.

3. **RULES AND PROCEDURES**

1. Deputies confronted often with situations requiring the use of force to affect an arrest or ensure public safety. The degree of force used depends on what the deputy perceives as reasonable and necessary under the circumstances at the time he or she decides to use force. Except for deadly force, the application of any degree of force is justified only when the deputy reasonably believes that it is necessary;
 - A. To prevent the escape from custody, make an arrest or an investigative detention of a person the deputy believes has committed a crime; or
 - B. To defend himself or herself or another from what the deputy believes is the use of force while trying to arrest another, prevent his or her escape, or otherwise lawfully take the person into custody.
2. Facts or circumstances unknown to the deputy shall not be considered in later determining whether the force was justified. The Sheriff's Office expects deputies to observe the following three guidelines in all applications of force:
 1. Employ the minimum force reasonably necessary to accomplish a legal purpose.
 2. Deputies may resort to more severe methods of force to overcome either increasing resistance or an increasingly dangerous threat to public safety.
 3. When a confrontation escalates suddenly, deputies may use any means or device at hand for self-defense provided that the use of force is reasonable.
3. The escalation in the use of force typically follows a pattern: verbal control, compliance techniques (control holds), chemical weapons, defensive tactics (e.g., baton), and finally deadly force. Deputies must understand how to recognize increasing or decreasing levels of threat and respond appropriately.
4. When applying deadly force, the deputy's objective shall be to use the amount of force necessary to stop the aggression or threat of aggression. The objective of the use of any

force is to overcome the suspect's resistance to a deputy's lawful purpose. Deputies shall avoid unnecessary or excessive applications of force.

5. Deputies shall not unreasonably or unnecessarily endanger themselves or the public when applying this policy.

4. **PROCEDURES – NON-DEADLY FORCE:**

This Office does not enforce the use of force “continuum” (Reactive Control Module) which is taught at the NMLEA, but rather uses the REASONABLENESS STANDARD. Most instances in which force is applied are non-deadly. Deputies shall assess the incident to determine which technique will best bring the situation under control. **Following the application of any method of force, once the situation is contained, deputies shall provide or arrange to provide medical help.**

a) Verbal Control

Verbal control refers to the manner in which the deputy speaks to a person, which alone can manage a situation. Verbal control includes advice, persuasion, admonitions, or orders. The volume and tone of the deputy's speech may also contribute to control without having to resort to another method of force. The Sheriff's Office urges the use of verbal commands without the use of profanity or disrespectful or argumentative behavior.

b) Compliance Techniques

At times, uncooperative people who refuse to be taken into custody may only respond to a combination of strength, leverage, take-downs, control holds, or come-alongs with sufficient force to make the lawful arrest without aggravating a suspect's combativeness. The object of this level of force is to gain control and enforce the suspect's compliance while minimizing the risk of injury to deputies, bystanders, or the person being placed in custody.

c) Chemical Agents

The use of chemical agents is restricted to situations where higher levels of force are unnecessary and lesser levels are inappropriate or ineffective. The only chemical weapon authorized for patrol personnel is the oleoresin capsicum (OC) or "pepper spray." Chemical agents shall be used only to the extent necessary to overcome the resistance of the suspect within training standards. Specialized chemical agents such as concussion grenades or tear gas shall be used only by personnel trained in their application, and then only under direct orders of the on-scene supervisor upon consultation with the Sheriff.

a) Use of chemical spray

- A. Chemical sprays shall not be used to threaten, to elicit information, or persuade people to comply with orders, nor will they be used on people who are handcuffed, secured, and properly in custody.

- B. Keep the application to the absolute minimum required to effectively control the subject.
- C. Chemical spray is target specific and should result in the deputy's ability to gain control of the suspect.
- D. The target area will consist of the face.

b) Decontamination

- a) Decontamination begins after the suspect has been restrained with handcuffs or by other means and the suspect's resistance has ceased.
- b) Decontamination should begin in a reasonable time frame and Deputy safety concerns should be taken into consideration.
- c) Medical personnel will be notified to perform a cursory check of the suspect, to remove contact lenses if necessary.

5. **DEFENSIVE TACTICS**

a) Baton/Asp

The Sheriff's Office authorizes the carrying and use of the (baton, asp) as the only striking weapon for deputies: all other forms of striking or punching weapons are prohibited for carrying or use, including but not limited to saps, blackjacks, slapjacks, nunchaku and similar sticks, and brass knuckles. Deputies who carry the (baton) shall be certified in its use. The weapon may be used in quelling confrontations involving physical violence where higher levels of force are unnecessary or inappropriate and lesser levels are inappropriate or ineffective.

- 1. The (baton) shall not be used to strike handcuffed individuals.
- 2. The (baton) is mainly useful as an instrument to manage various control holds, not as a club or prod. Deputies shall not raise the (baton) above the head to strike a blow.

b) Electronic Control Device

- a) In order to determine which technique or weapon will safely resolve the incident and bring it under control safely, deputies should assess the situations where force is warranted. The deputy should only use that force which is objectively reasonable to affect lawful objectives.
- b) This policy is intended to provide general guidelines for the Electronic Control Devices (ECD), commonly referred to as a TASER. Hereinafter, ECD's shall be referred to as ECD and TASER shall refer to the X-26 TASER, manufactured by TASER international.
- c) A Sheriff's Office use of force review will be held following the deployment of an ECD. Each application of the ECD will be evaluated as an individual and separate use of force incident.

- d) The ECD is an additional law enforcement tool and is not intended to replace firearms or replace other equipment, tools or techniques. The ECD should only be used when it is appropriate for the situation. The utilization of the ECD is considered a use of force and as such must comply with the Sheriff's Office use of force guidelines. Any use of an ECD that is deemed unreasonable shall subject the deputy to disciplinary action.
- e) Deputies will only use the ECD after receiving training and certification in its proper use, and in accordance to Sheriff's Office and manufacturer training guidelines.
- f) The ECD will be carried fully armed with an air cartridge installed and in the "safe" position in preparation for immediate use when authorized.
- g) If practical, a warning should be given to a person prior to deploying the ECD to inform other personnel involved that a less-lethal weapon is being deployed.
- h) The use of an ECD is authorized:
 - a. At the discretion of the deputy where actions of a suspect places the suspect, citizen, and/or deputies at risk of injury and/or where physical contact with the suspect would increase the likelihood of injury to the suspect, citizen, or deputies.
 - i. In all instances, the deputy will only use the reasonable number or cycles/applications of the ECD necessary to affect the arrest of the suspect or to control the situation.
 - ii. When using the ECD, the deputy should normally use it for one standard cycle and stop to evaluate the situation and behavior of the suspect, unless it is not safe to do so.
 - b. To stop a suspect who is resisting custody by making aggressive movements, and/or escalating resistive force.
 - c. To stop potentially dangerous behavior.
 - d. To protect a person or deputy from injury or death.
 - e. To protect a suspect from injuring him/herself.
 - f. To maintain order within a facility.
 - g. In situations that require gaining/maintaining control of a subject or situation.
 - h. Civil disturbances such as fights or riots.
 - i. Armed suicidal persons.
 - j. Mentally ill or emotionally disturbed persons.
 - k. Attempting to evade or flight from custody when a deputy has a reasonable suspicion to believe a subject has committed a felony.
 - l. In situations where a supervisor deems the use of the ECD to safely resolve a situation/incident.
- i) Nothing in this policy should limit the deputy to use of the ECD in place of other force option.

- j) The use of the ECD is a highly effective option to control a situation. However, no deputy should place him/herself in unnecessary danger. When practical, the ECD should be used with lethal cover from another deputy.
- k) When a suspect is armed with an ECD and attacks or threatens to attack a deputy, the deputy may defend him/herself to avoid becoming incapacitated and risking the possibility that the suspect could gain control of the deputy's firearm. When possible, deputies should attempt to place intermediate barriers between themselves and the ECD, and seek cover, as well as request backup deputies to mitigate the danger.
- l) Due to elevated risk factors for injury, special consideration should be given to the use of an ECD on:
 - a) Obviously pregnant females.
 - b) Persons with apparent debilitating illnesses or the elderly.
 - c) Children or persons under eighty (80) pounds.
- m) The use of an ECD is not authorized:
 - a) To be used as a punishment or out of anger.
 - b) To be used on a handcuffed person(s) unless they are actively resisting, exhibiting active aggression, or attempting to harm themselves or others.
 - c) To be used when a suspect is in a location (Such as in a large amount of water or elevated structure) where a fall may cause substantial injury or death, unless deadly force would otherwise be authorized. An example of this would be a suspect on a balcony, riding a motorcycle/bicycle/moving vehicle or operating machinery, or standing in or near a swimming pool.
- n) Extreme caution should be used upon deployment of the ECD in areas where there is potential for fire hazard such as flammable vapors, gasses, or electric spark hazard such as those encountered at filling stations and clandestine drug labs. The deputy will follow the guidelines as established in Sheriff's Office training.
- o) In preparation for firing, the ECD shall be pointed in a safe direction, taken off of safe mode, and then aimed at the suspect. Center mass of the suspect's back should be the primary target where reasonably possible. Below center mass of the suspect's chest or any place on the suspect's arms or legs are the secondary targets. The head and face should not be targeted unless the appropriate level of force can be justified.
- p) The ECD should be left in the fire position until the suspect is safely in custody and under control. This allows for another cycle to be applied to the suspect in the event the non-cooperative or combative behavior continues.
- q) After deployment of the ECD and the suspect is safely in custody and under control, the deputy should evaluate the situation and assess the suspect prior to TASER probe removal.

1. After deployment of the ECD, the probes may be removed by the deploying deputy in accordance with manufacturer's training. Medical treatment shall be immediately provided to the suspect at the scene. Follow-up medical treatment at an appropriate medical facility will be provided, if needed. When booking a subject that has received a Probe deployment, deputies will advise Medical Personnel at the corrections facility that the prisoner has received a Probe Deployment.
 2. Only deputies who have completed the ECD TASER Training program will remove the probes unless the probes have penetrated a sensitive area such as throat, face, eye, breast or groin area. In this case, the deputy will carefully cut the conductive wire leads connected to the probes and the probes will remain intact. The TASER probes will then be removed by medical staff at a hospital.
 3. Since the probes will most likely have blood on them (biohazard) the deputy should wear protective gloves when handling. The wires shall be wound around the cartridge. The cartridge, wires and any RFD tags located shall be placed into evidence. The probes shall be placed into a sharps container.
 4. The deputy should inspect the probes after removal to ensure that the entire probe and barb has been removed. In the event that the probe or barb has broken off, the suspect should be provided with appropriate medical attention to facilitate the removal of the object.
- r) The ECD may also be used in certain circumstances in a "drive stun" mode. This involves removing the air cartridge and pressing the ECD against an appropriate area of the body as described in training. It is important to note that when the device is used in this manner, it is:
1. Primarily a pain compliance tool due to the lack of TASER probe spread.
 2. Less effective compared to deployment of an air cartridge and achieving Neuro-muscular Incapacitation. (NMI).
 3. Likely to leave small burn marks on the suspects skin.
 4. Subject to the same deployment guidelines and restrictions as those of the ECD in air cartridge deployments.
- s) In all instances where an ECD is used on a suspect, the deputy will:
- a) Complete a Supervisory Use of Force report. A copy of this report will be forwarded through the chain of command in accordance with the Use of Force Policy.
 - b) Deputies shall specifically articulate the rationale in their use of force report for any instances in which:
 - a. An ECD is deployed more than three times.
 - b. More than one ECD is used against a suspect in any given incident.
 - c. Ensure that photographs are taken of the probe impact sites and any other related injuries, both before (if practical under the circumstances) and after removal of the probes. If the drive stun technique is used, photograph any applicable marks.

In some instances, photographs may not be taken, such as in cases of juveniles or when the probes impact the genitals, female's breasts, etc. It is important to preserve evidence of ECD use; however, it is also important not to violate any medical, HIPAA, or privacy statutes or other legal restrictions.

- d. Turn over the ECD to the TASER Instructor for downloading of event data to designated computer as soon as practicable following the use of the ECD. The TASER instructor will also issue a replacement cartridge to the deputy.
- t) Upon completion of training, each deputy will be issued one (1) ECD, one (1) extended Digital Power Magazine (XDPM), one (1) holster designated for support, and one (1) Sheriff's Office-issued air cartridge. Each deputy will sign for equipment acknowledging receipt. If any problems occur with any of the issued equipment, notifications should be made to the deputy's immediate supervisor and/or TASER Instructor.

A weekly "Spark test" will be conducted by the deputy to ensure the ECD is functioning properly and to ensure the SDPM has battery power above twenty percent (20%). The spark test will be performed in a safe manner consistent with training.

- u) When the SDPM reaches twenty percent (20%) battery life, the deputy shall notify the TASER instructor so a replacement can be obtained. The XDPM will then be recycled or used for training purposes.
 - 1. The EDC is designated for weak side carry. It is the policy of this agency that the ECD be carried on the side of the body opposite the firearm. This is to help prevent the accidental drawing and/or firing of a deputies sidearm.
 - 2. If the deputy has a spare cartridge, it will be carried in a manner consistent with training.
- v) Misuse of the ECD by a deputy will be reported to the immediate supervisor of that deputy for disciplinary action. Misuse consists of, but is not limited to; unjustified deployment, excessive "Spark Tests", and the use of the ECD for activities not associated with the use of force situations and/or law enforcement.
- w) The ECD shall not be carried off-duty.
- c) 12-Gauge Bean-Bag
 - a) Bean-bags are considered to extended range impact weapons that allow deputies to deliver a similar amount of force as a baton.
 - b) The bean-bag may be used when other less lethal force options have been ineffective in subduing the subject. Examples of situations in which the bean-bag may be used include, but are not limited to, the following:
 - 1. Dealing with the mentally ill subject who is perceived to be violent.

2. Armed subjects.
 3. Warrant service where the subject is perceived to be violent.
 4. Violent subjects under the influence of drugs and/or alcohol.
 5. Persons expressing the intent and having the means to commit suicide.
 6. When deemed an alternative to lesser force options that will likely be ineffective or greater force options that may be inappropriate given objective circumstances.
- c) When possible, the bean-bag operator should consult with a supervisor prior to the use.
 - d) The bean-bag should not be pointed at any individual unless the deputy involved reasonable believes it will be necessary to use the device.
 - e) The bean-bag shall not be used:
 1. When the operator cannot, for safety or other reasons approach the subject within effective range of the device.
 2. When it is reasonable to believe that the incapacitation of the subject may result in serious injury or death.
 - f) In less-lethal force situations, when possible, deputies should avoid using the bean-bag on:
 - a) Persons in wheel chairs or in control of a vehicle;
 - b) Obviously pregnant women;
 - c) People with known heart problems;
 - d) People with known debilitating illness or the elderly;
 - e) Children or those under 80 pounds;
 - f) Individuals with known neuromuscular disorders such as muscular sclerosis, muscular dystrophy.
 - g) Only deputies who have successfully completed the agencies approved course of instruction on the bean-bag are authorized to use it in tactical situations.
 - h) Deputies of this agency shall receive refresher training in the use of bean-bag on an annual basis.

6. **DEADLY FORCE**

1. Firearms-General

Firearms may be used:

- a) In defense of the deputy or others from what is reasonably believed to be an immediate threat of death or serious bodily harm; or

- b) To prevent the escape of a fleeing felon whom the deputy has probable cause to believe will pose a significant threat to human life should escape occur. No other reasonable means of capture must be available to the deputy in this case without endangering the deputy's life or the life of another person.
- c) In evaluating a "significant threat," the deputy must reasonably believe that the person has either used deadly force in the commission of a crime or may inflict death or serious harm to the deputy or others if apprehension is delayed.
- d) Where feasible, deputies shall identify themselves and give a VERBAL warning before shooting.
- e) *Deputies may utilize deadly force to safely destroy an animal that represents a threat to public safety, as a humanitarian measure where the animal is seriously injured and other alternatives have been exhausted. A supervisor's approval should be sought when possible.*
- f) In routine firearm training or practice at an approved range.

2. Limitations On Force

The following acts associated with the use of force are prohibited.

- a) Firing into crowds.
- b) Firing a warning shot.
- c) Firing at or from a moving vehicle, except where the deputy reasonably believes:
 - 1. an occupant of the other vehicle is using, or threatening to use, deadly force by a means other than the vehicle; or
 - 2. a vehicle is operated in a manner deliberately intended to strike a deputy or a citizen and all other reasonable means of defense have been exhausted (or are not present), including moving out of the path of the vehicle, and the safety of innocent persons would not be unduly jeopardized by the deputy's action.
 - 3. Deputies shall not fire at or in the direction of a vehicle that no longer poses an immediate threat.
- d) Firing into a building or through doors when the person fired at is not clearly visible unless deputies are being fired upon from such building or through such door.
- e) Firing at a suspect when lesser force could be used and the deputy believes that the suspect can be apprehended reasonably soon thereafter without the use of deadly force, or when there is any substantial danger to innocent bystanders.
- f) Application of choke hold or carotid control holds, except when the deputy reasonably believes such holds are the only means of protecting him/herself or another person from an imminent threat of serious physical injury or death.

- g) Use of Streamlites or Kel-lites or other flashlights as batons. A deputy may use a flashlight or other object designed for a use other than as a weapon **only** to defend himself or herself or another from imminent serious physical injury or death and then **only** if Sheriff's Office sanctioned methods are not available or are impractical.
- h) Carrying or use of a second back-up firearm unless authorized by the Sheriff.
- i) The carrying or use of saps, blackjacks, slapjacks.
- j) Use of deadly force against unarmed, non-dangerous fleeing felons, fleeing misdemeanants, or traffic offenders.
- k) Any use of force not reasonably necessary in the light of the circumstances confronting the deputy.
- l) Any forcible enforcement action when off duty except in circumstances which seriously threatens life, valuable property, or public order.

3. Reporting Use Of Force

- a. Deputies shall document any application of force except for those arising in training or Sheriff's Office demonstrations.
- b. If deputies have employed chemical weapons or any higher degree of force, they shall:
 - a) Immediately notify the on-duty supervisor or the Sheriff (if the on-duty supervisor is unavailable) of any use of physical force. If a deputy is unable to write the report, the Sergeant or supervisor will ensure the necessary reports are properly prepared and forwarded.
 - b) Submit an offense/incident report before the end of the shift describing the incident and any medical aid rendered, and shall substantiate the force used. Supervisors will ensure all reports/supplements are completed with copy to the Sheriff.

4. Sheriff's Office Response

- A. Pending administrative review, any deputy who has taken the life of another person shall be removed from line-duty assignment for a minimum of three days. This action protects both the deputy's and the community's interests until the situation are resolved.
- B. The Sheriff shall review all reported uses of force to determine whether:
 - I.** Sheriff's Office orders were violated;
 - II.** Relevant Sheriff's Office policy was clearly understandable and effective to cover the situation; and
 - III.** Sheriff's Office training was adequate.

- C. The Sheriff may direct an internal investigation to examine an incident in which force was applied. The internal investigation may also examine training and policy needs.

7. **INTERNAL INVESTIGATIONS**

Internal investigations of serious applications of force (usually of compliance techniques and more severe methods) shall be of two types conducted simultaneously; first, an administrative investigation to determine whether Sheriff's Office standards were followed; second, a criminal one to detect lawbreaking. A criminal investigation shall be discontinued whenever the Sheriff's Office is satisfied that no misconduct occurred.

8. **PSYCHOLOGICAL SERVICES**

Following a shooting resulting in injury or death, the deputy shall not return to duty until a psychological evaluation has been conducted, and the deputy has received counseling.

SUBJECT: Arrests	NUMBER: 2-3.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 05-01-2018
NMMLEPSC STANDARDS: ADM.02.04, ADM.02.05	APPROVED: Sheriff

1. POLICY

Short of the application of force, an arrest is the most serious action a deputy can undertake. An arrest can cause repercussions throughout a person's life, even if he or she is eventually found not guilty or never brought to trial. The most important legal question facing a deputy at the moment of an arrest is the existence of probable cause. Without probable cause the arrest is illegal and the evidence of criminality that was obtained because of the arrest is inadmissible. Deputies shall accordingly exercise critical judgment in making arrests. Critical judgment includes consideration for bystanders, the time, place, and location of offenses, and the use of force in making the arrests. Deputies shall consider alternatives to arrest consistent with their law enforcement mission.

2. DEFINITIONS

1. Arrest: An arrest is a seizure of a person. An arrest is supported by probable cause. Generally, according to Fourth Amendment cases, the test of whether an arrest has taken place is whether a reasonable person under the circumstances would have felt free to leave.
2. Probable cause: According to the Supreme Court, "probable cause exists where the facts and circumstances within their [the arresting deputy's] knowledge and of which they had reasonable trustworthy information are sufficient in themselves to warrant a person of reasonable caution in the belief that an offense has been or is being committed" and that the person to be arrested committed it.
 - i. A deputy must have probable cause to make an arrest.
 - ii. The aim of probable cause is to make a formal charge. When a deputy has probable cause, he or she may undertake a complete body search; record the suspect's fingerprints, take the suspect's photograph, and jail him.

3. DISCRETION

- A. Deputies, by the nature of their job, are required to exercise discretion in the performance of their duties. The Sheriff's Office provides deputies with written policies, rules, Sheriff's orders, directed patrol assignments, and training in order to aid them in making decisions which govern discretion in performing their duties.

- B. With the exception of rules and regulations, general orders (SOP) give deputies procedures to follow for common or critical enforcement tasks. By definition, general orders afford deputies a window of discretion within which to act. General orders are to be followed unless unusual or extreme circumstances dictate another course of action. In this case, deputies shall make reasoned decisions in their discretion based on good judgment, experience, and training. It is up to the individual deputy to consider the relevant facts, the situation, and then, using knowledge, training, and good judgment, make appropriate decisions. Supervisors must closely observe the use of discretion by their subordinates and point out factual errors or alternatives that may be more appropriate.
- C. Deputies shall not make arrests based on or affected by a person's gender, sexual orientation, race, creed, color, general attitude, ethnicity or natural origin.
- D. Deputies have five forms of discretionary authority when making arrests: no arrest at all, an informal resolution of the incident or problem, issuance of a summons, a full-custody arrest or issuance of a criminal citation.
 - 1. Informal resolutions take the form of referrals to other agencies, mediating agreements between two or more parties, or issuance of a warning. Informal resolutions are the least coercive of all enforcement measures and shall be applied when stronger enforcement methods are unnecessary or inappropriate under the circumstances.
 - 2. Issuance of a summons may be requested of the court or decided by the judge upon review of complaint.
 - 3. Criminal Citations may be issued for violations in accordance with NMSA 3 1-1-6.
- E. The decision to apply one or more enforcement methods must account for the totality of the circumstances and must be consistently applied.
- F. Supervisors shall review each arrest report to ensure that proper action was taken under the circumstances.

4. ARRESTS WITH A WARRANT

- A. Who may issue: An arrest warrant may be issued by any municipal, magistrate, or district judge, Probation Office, or Juvenile and Domestic Relations Court who has jurisdiction for the case.
- B. Issuance of a summons instead of warrant: Court Rule 5-208 provides for issuance of a summons instead of a warrant. Summonses impose the same requirements to appear at an appointed place and time as with a warrant.
- C. Issuance and service of summons in place of warrants in misdemeanor cases.
 - a) Deputies may request that the court issue summonses for offenses committed in their presence when the offenses violate County Ordinances.

- b) Any person refusing to give a written promise to appear under the provisions of this section shall be taken without unnecessary delay by the arresting deputy before a magistrate or other appropriate issuing authority.

D. Copy of process to be left with accused:

Criminal procedures require that in most circumstances the deputy shall leave a copy of the criminal process with the person charged.

E. Execution of arrest warrants:

1. NMSA 31-1-4 authorizes a law enforcement Officer to execute within his jurisdiction a District or Magistrate warrant, or summons issued anywhere in New Mexico. Municipal court actions may be served within the court's jurisdiction, except for DWI actions which may be served anywhere in New Mexico.
2. NMSA 31-1-5 requires a deputy who arrests a person on a warrant from another jurisdiction to take the arrestee without unnecessary delay to an appropriate judicial Officer serving our locality.

F. Escape, flight, and pursuit: Arrest anywhere in the state:

1. NMSA 29-1-4 allows a deputy, with or without a warrant, to pursue within his jurisdiction an escapee from custody. If the deputy is in close pursuit, he or she may arrest the suspect wherever he is found.
2. If the arrest is made in an adjacent county or city than the one from which the suspect fled, then the deputy shall deliver him or her to the judicial authority of local jurisdiction.
3. NMSA 31-2-1 authorizes a law enforcement Officer from any other state or the District of Columbia to pursue a fleeing felon into New Mexico and take the suspect into custody as if the suspect had committed a felony in New Mexico. Foreign Officers shall without unnecessary delay take the arrestee to a local magistrate judge to determine the lawfulness of the arrest as required in NMSA 31-2-2.
4. NMSA 31-2-8 authorizes a Socorro County Deputy whose jurisdictional boundary while in fresh pursuit of a misdemeanor whom he would otherwise have authority to arrest shall have the authority to arrest that misdemeanor anywhere within the state and return him to the jurisdiction in which the fresh pursuit began without further judicial process.

G. Arrest of suspect inside dwelling:

A deputy with an arrest warrant may search for the defendant in his or her own home provided that the warrant was valid; the deputy searches the defendant's home (and not

someone else's); and probable cause exists that the defendant is home at the time of the search. The search for the defendant must be limited to places where he or she might be found.

H. Return of warrant:

Upon executing the warrant the arresting deputy shall note the date of execution on it then return it to the court less copies given to the arrested person.

5. ARREST WITHOUT A WARRANT

1. Authority:

As noted earlier, the search and seizure provision of the Fourth Amendment protects citizens from the arbitrary and oppressive interference by law enforcement officials with regard to privacy. Further, deputies must have probable cause that a crime has been committed, and that the person to be arrested has committed the crime.

2. When warrantless arrests may be made:

8. when a person commits any crime in the deputy's presence;
9. when the deputy has reasonable grounds or probable cause to suspect any person of having committed a felony not in his presence when exigent circumstances exists;
10. at the scene of any motor vehicle crash when the deputy has reasonable grounds to believe, upon personal investigation, that a crime was committed by any person in their presence (66-8-125 NMSA);
11. at the scene of a domestic disturbance and has probable cause to believe that a crime was committed (31-1-7 NMSA);
12. at any hospital or medical facility to which any person involved in a motor vehicle crash has been transported, provided the deputy has reasonable grounds to believe, based upon personal investigation, that a crime has been committed by that person;
13. on a highway when charged with a theft of a motor vehicle; (66-8-125 NMSA)
14. when any person is charged with a crime in another jurisdiction and the deputy has received:
 - a) a photocopy of a warrant;
 - b) a telegram;
 - c) a computer or facsimile printout; or
 - d) a radio, telephone or teletype message which gives the name or a reasonably accurate description of the wanted person and the crime alleged;
1. when the deputy investigates the crimes of assault, battery, public affray, or

criminal damage in a licensed liquor establishment and has probable cause to believe a crime was committed (30-3-6 NMSA);

2. when the deputy has probable cause based upon a reasonable complaint of a misdemeanor not committed in the deputy's presence involving shoplifting, or falsely obtaining services or accommodations, (30-16-23, 30-16-16 NMSA).
3. Under NMSA 31-1-7, deputies may arrest without a warrant in cases of assault and battery against a family or household member and NMSA 40-13-6 for violations of protective orders, regardless of whether the violation occurred in the deputy's presence, provided the deputy has probable cause. See VCSO Policy 2-6, domestic violence.
3. Actions upon arrest from charges filed in another jurisdiction:
 - A. Upon arrest based on a photocopy of the warrant, telegram, computer or facsimile printout, or teletype message, the arresting deputy shall serve a copy of the document on the accused.
 - B. The arresting deputy shall bring the accused before the magistrate for arraignment. 35-5-1 NMSA.
 - C. The magistrate shall conduct a bail hearing and set bail, or secure bond, if appropriate just as if the accused had been arrested on the warrant. The deputy shall not request the issuance of any arrest process such as duplicate warrants or fugitive warrants based on the charge in the other jurisdiction within New Mexico.
 - D. The arresting deputy shall contact the law enforcement officials where the charge was made and inform them that the accused has been arrested on the teletype message (or other arrest document), and if not bonded, ascertain when a representative will arrive to transfer the accused back to the locality having trial jurisdiction.
 - E. NMSA 31-4-14 Fugitive from Justice - Arrest of a person may be made without a warrant upon reasonable information that the accused stands charged in the courts of a state with a crime punishable by death or imprisonment for a term exceeding one year, but when so arrested the accused must be taken before a judge or magistrate with all practicable speed. A complaint must be made against the accused under oath setting forth the grounds for arrest.
4. Juveniles:

Refer to SCSO Policy 2-13 concerning handling of juveniles.
5. Criminal Citations:
 - a) Per NMSA 31-1-6, an arresting deputy may issue a citation to appear at a time and place specified in such citation whenever any person is detained by or in the custody of an arresting deputy for:

any offense committed in the deputy's presence which is a violation of any county, city ordinance, or for any petty misdemeanor offense.

- b) If, after issuing a citation for (a) above, the suspect continues the unlawful act, then the deputy shall without unnecessary delay take him or her before the appropriate judge.
- c) If the deputy believes that the suspect is likely to disregard a citation, or may cause harm to himself or another person, then the deputy shall without unnecessary delay take him or her before the appropriate judge.
- d) An NCIC check on any person to whom a citation will be issued will be completed before releasing him or her. In the event the NCIC check reveals a valid extraditable warrant the criminal citation shall not be issued and a physical arrest will be made on all charges.

6. POST-ARREST PROCEDURES

1. Constitutional considerations

Refer to SCSO Policy 2-1 for a discussion of search guidelines and searches incident to arrest.

2. Releases on citations and mandatory arrest

If the arrested person is not released on a citation or is charged with a felony, deputies shall observe the following procedures:

- 4. Transport the suspect to the jail and begin booking process.
- 5. Obtain State Tracking Number (STN) to be attached to fingerprint cards, booking sheet, criminal complaints, and probable cause statement.
- 6. Complete a criminal complaint for each adult charge. (Multiple charges may be on same form) Magistrate Court requires the following paperwork:

Criminal Complaint and/or copy of the warrant.

- C. The deputy needs to provide defendant with a copy of the criminal complaint or warrant and be advised of his bond which shall be set by the bond schedule provided by the appropriate court.
- D. Subject is released to the appropriate Detention Facility.
- E. The criminal complaint must be submitted to the appropriate court during the next court business day to ensure compliance with the 48 hour arraignment rule.
- F. If the court or the district attorney's Office rejects the criminal complaint and it is returned via the records office, the criminal complaint is returned to the deputy for

immediate correction and resubmission, with copies to his/her immediate supervisor and/or the Supervisor who will ensure the criminal complaints are corrected and resubmitted in a timely manner.

In the event the deputy is on days off or leave, he/she will be called in to make the corrections and resubmit the amended criminal. The Supervisor shall submit the amended criminal complaint to the court on behalf of the deputy on the same day they are corrected by the deputy.

- G. If the charges filed require that the criminal complaint be submitted to the district Attorney's Office for review, the deputy shall submit a copy to the district attorney's Office and all original criminal complaints shall still be submitted to the appropriate court.

- A. Injury before or during arrest

If a person receives an injury before or during an arrest and either requests medical attention or, in the deputy's judgment, medical attention is needed, deputies shall transport the suspect or arrange for his or her transportation to the hospital for an examination before booking.

- B. Processing of paperwork

- a) Offense/Incident reports

- a) Must be completed by the deputy prior to the conclusion of their shift, unless approved by a supervisor.
 - b) The report will be reviewed and approved by a supervisor. Supervisor's will approve all reports in a timely manner.

- b) Arrest/booking forms

- 1. Must be completed by the deputy when defendant is arrested.

- c) Copies of warrant

- 1. Once the defendant has been arrested and booked into the detention facility the deputy shall provide the defendant a copy of the warrant.
 - 2. The deputy shall provide the detention facility a copy of the warrant.
 - 3. The deputy shall scan in a copy of the warrant along with supporting documents into PTS Records Management System.
 - 4. The deputy shall return the signed original warrant to the administrative assistant who will return it to the appropriate agency.

d) Out of State Warrant Arrest

When an arrest is made on a warrant that is outside the State of New Mexico the deputy must complete a Fugitive Complaint form. The Fugitive Complaint along with a copy of the out of state warrant will be left with the detention center. A copy of the Fugitive Complaint and warrant will be filed with the incident report.

E. Further processing

Items seized as evidence shall be tagged and turned in to the Sheriff's Office evidence locker.

7. RELEASE FROM ARREST

1. Legal background:

Deputies may encounter a circumstance where probable cause develops to arrest a person for an offense, only to find out shortly thereafter that the person under arrest did not commit a crime, or that the event was not a crime. It is imperative, then, that the deputy ends the arrest process immediately to avoid becoming liable for false imprisonment.

2. Procedure:

- A. If the arresting deputy determines that probable cause no longer exists to arrest a suspect, and the deputy is satisfied that the person under arrest either did not commit the crime or that the crime did not occur, then the deputy shall notify his supervisor immediately.
- B. The supervisor will report the incident to a command level supervisor.
- C. The District Attorney's Office will be notified as soon as possible.
- D. The defendant will be released on Own Recognizance with the authority of the judge.
- E. The District Attorney's Office and the deputy will prepare notice of dismissal paperwork.
- F. When a deputy releases a subject from arrest, he or she shall return the person to the place of the arrest. The deputy shall not release the person along the roadside. If a vehicle has been towed, the vehicle shall be returned to the operator/registered owner.
- G. To protect him/herself and the Sheriff's Office, the deputy shall document in an incident report all of the following:

1. the date and time of arrest;
2. the person arrested (name, address, date of birth, race);
3. the location of arrest;
4. the location and time of release from arrest and whether the person was transported;
5. the reasons or discovery of information which led the deputy to release from arrest;
6. any witnesses to the alleged crime, or to the fact the person arrested was allegedly involved.

H. If the deputy makes an arrest based on probable cause, the arrest is lawful. Probable cause must continue to exist through the appearance of the deputy and arrested person before the magistrate. If not, the defendant must be released as soon as practicable.

8. ALTERNATIVES TO ARREST

1. Under certain circumstances, deputies are faced with situations where an arrest and pre-arraignment confinement will not be possible. In such cases, deputies may elect to exercise certain alternatives such as the issuance of summonses, referral to a social service agency, or simply to give a warning. Examples:

- a) Mentally or emotionally disturbed persons.
- b) Domestic situations where counseling may be appropriate except where probable cause requires an arrest.
- c) Juvenile offenders.
- d) Transient persons who need shelter and food.
- e) Certain misdemeanor cases.

2. Authority to issue summonses in lieu of arrest/confinement:

1. *NMSA 31-1-6* authorizes law enforcement Officers to issue a citation in lieu of arrest for persons charged with a petty-misdemeanor criminal offense. Additionally, NMSA authorizes the use of citations when enforcing Game and Fish violations found in Chapter 17 NMSA.
2. In determining whether a citation should be used, the deputy shall:
 - I. decide whether the offense committed is serious.
 - II. make a judgment as to whether the accused poses a danger to the public or himself.

III. decide, based on circumstances, whether the person may disregard a citation.

3. Informal handling of criminal matters:

Deputies often deal with situations where the public interest would be better served by social service agencies or crisis and professional organizations. When in the judgment of the deputy a better solution to the problem will be achieved by use of alternatives to enforcement, he or she should refer the individual to a social services agency.

4. Use of warnings as an alternative to arrest:

The use of warnings may sometimes provide a solution to a problem and may enhance the public perception of the Sheriff's Office. Normally, the use of a warning occurs in traffic offenses, but occasionally may be applied to criminal offenses. In determining if a warning should be issued, the deputy shall consider:

- A. the seriousness of the offense;
- B. the likelihood that the violator will heed the warning;
- C. the reputation of the violator, i.e., known repeat offender, has received previous warnings, etc.

SUBJECT: Pursuit of Motor Vehicles	NUMBER: 2-4.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 05-01-2018
NMMLEPSC STANDARDS: OPR.01.09	APPROVED: Sheriff

1. POLICY

It is the policy of this office to initiate a vehicular pursuit only when a deputy has reasonable grounds to believe that the offender(s) have committed, or are attempting to commit a crime for which the necessity for immediate apprehension outweighs the level or danger created by the pursuit, or when the deputy has a reasonable belief that the offender(s) has or is committing a violent felony.

Deputies involved in pursuits must continually question whether the seriousness of the crime(s) reasonably warrants continuation of the pursuit. At any time during a pursuit when an deputy or supervisor determines the danger to the public or deputy outweighs the need for immediate apprehension, the deputy will immediately discontinue the pursuit. The decision of a deputy or supervisor to terminate a pursuit for safety considerations is not subject to discipline.

NMSA 1978 section (66-7-6) authorizes emergency vehicles to deviate from the adherence to state traffic laws. This section does not relieve the driver of an authorized emergency vehicle from the duty to comply with all Sheriff's Office policies and to exercise prudence and judgment.

2. DEFINITIONS

1. Motor Vehicle Pursuit

A motor vehicle pursuit is an active attempt by a law enforcement officer, operating a law enforcement vehicle, and utilizing all emergency equipment simultaneously, to apprehend one or more occupants of another moving vehicle, when it is reasonably apparent that the driver of that vehicle is aware of the attempt and is resisting apprehension by increasing speed above the posted speed limit, disobeying traffic laws, or attempting to elude the deputy through evasive maneuvers or tactics.

2. Initiating / Primary Unit

The unit that initiates a pursuit or any other unit that assumes the lead position.

3. Marked Unit

A police vehicle equipped with emergency light bar, siren, and authorized police vehicle

insignia. These elements must be present for a vehicle to be considered a marked unit.

4. Supervisor

For the purpose of this section, “supervisor” will include only on-duty supervisors.

5. Violent Felony

Violent felonies for the purpose of this section include, homicide, criminal sexual penetration, armed robbery, kidnapping / false imprisonment, felony aggravated battery inflicting great bodily harm, and aggravated assault with a deadly weapon.

3. RULES AND PROCEDURES

1. Initiating / Primary Pursuit

- a) Engaging in a pursuit requires a conscious weighing of the risk of harm should the offender(s) escape against the risk of harm posed by the vehicle pursuit itself. As the pursuit progresses the deputies will evaluate the circumstances and any additional information that becomes apparent.
- b) Prior to making a decision to initiate a pursuit, the deputy shall consider the following factors:
 - a. The nature of the crime for which the pursuit is being initiated.
 - b. The current driving behavior being exhibited by the offender(s.)
 - c. The time of day, road, weather, and vehicle conditions.
 - d. The risk of the pursuit itself.
 - e. The likelihood that the offender(s) could be apprehended otherwise.
 - f. Knowledge of the offender(s) identity, possible destination, and previous activities.
 - g. The risk of harm to others from the offender(s) escape.
 - h. Any other factors that bear on weighing the risk of initiating and continuing the pursuit against the risk of injury or death to any person from the pursuit itself.
- c) Prior to engaging any emergency equipment to affect the stopping of a vehicle, the deputy should attempt to note the license plate number and the vehicle description.
- d) Deputies initiating a pursuit shall immediately notify Communications that a pursuit is in progress, giving the following information if possible.
 - 1. Reason for the pursuit.
 - 2. Present location and direction of travel.
 - 3. Vehicle speeds involved in the pursuit.
 - 4. Description of vehicle and occupants.
 - 5. Number of occupants in the offender(s) vehicle.

6. Any safety factors that need to be noted.
 7. If a hostage is involved, this fact, along with a description and the exact location of the hostage inside the vehicle, if known.
 8. Any additional information requested by the supervisor.
- e) The primary deputy is responsible for broadcasting the progress of the pursuit until relieved by an assisting unit; at which time the assisting unit shall assume that responsibility.
 - f) Deputies shall not become involved in another law enforcement agency's pursuit unless authorized by a supervisor. Deputies that do become involved in a pursuit of this nature will comply with the Jurisdiction procedures section of this manual.
 - g) If aerial assistance is available, and has joined the pursuit, all units will discontinue high speed pursuit. The responding units will then be utilized to tactically apprehend the offender(s), at the direction of the supervisor, utilizing the aerial support.
 - h) Deputies with a prisoner(s) or a ride-a-long in their vehicle will not initiate or join a pursuit.
 - i) When the pursued vehicle is lost or the offender(s) abandon the vehicle and flee on foot, the primary or secondary unit shall broadcast necessary information to assist in a search or return to normal operations. Should the primary deputy become involved in a foot pursuit, the secondary unit or responding supervisor shall be responsible for coordinating the tactics utilized in the apprehension of the offender(s).
 - j) Under no circumstances will deputies pursue in a school zone during school or school event hours.

2. Assisting / Secondary Pursuit Units

Assisting / secondary pursuit units shall:

- i. Engage all emergency equipment.
- ii. Notify Communications of their identity.
- iii. Assume radio communications responsibility, allowing the primary unit to devote complete attention to pursuit.
- iv. Deputies will not parallel or caravan a pursuit, however, deputies may proceed into the area of a pursuit in an attempt to gain an advantage and to assist at the termination point of the pursuit. Assisting units may also be utilized in the stopping of the pursued vehicle.

- v. No more than two units will become actively involved in a pursuit; unless specifically authorized by a supervisor. Assisting deputies will be alert to the progress of the pursuit and location.
- vi. Deputies involved in a pursuit will not attempt to pass the primary unit unless instructed to by that unit or the primary unit is unable to continue.

3. Stopping Of Pursued Vehicles

1. Use of Mechanical Tire Deflation System

It is the policy of the Socorro County Sheriff's Office to utilize the issued mechanical tire deflation system as an acceptable method of terminating a pursuit. The decision to deploy this system shall be based on all information that is available to the deputy. The actual deployment of the system will be based upon the authorization of a supervisor and within this policy's guidelines.

2. Deployment of the Mechanical Tire Deployment System

- A. Deployment shall be in accordance with training guidelines and the manufacturer's instructions.
- B. The system shall not be utilized to stop the following vehicles unless the continued movement or the pursued vehicle would result in a serious hazard to others.
 - a. Any vehicle known to be transporting a hazardous material as defined in NMSA 1978 section (66-1-4.8)
 - b. Any passenger bus, school bus, or van that is known to be transporting passengers.
- C. The mechanical tire deflation system shall not be used in locations where geographic configurations increase the risk of injury to the offender(s) or the public. (i.e., on roadways bounded by steep descending or ascending embankments, on moderate to sharp curves, on bridges, or at any location where the safety of proceeding or opposing traffic conditions cannot be assured.)
 - A. Deployment locations should have adequate sight distances in all directions to enable deputies deploying the system to observe the pursuit and other traffic as it approaches.
 - B. The secondary unit should notify the deploying unit as to the conditions of the pursuit, which include; speed, offender(s) vehicle condition, driving behavior, and any other pertinent information

needed by the deployment unit.

- C. The secondary unit should notify the deploying unit as far in advance as possible, to allow sufficient time for safe deployment at a predetermined location.
- D. The deployment unit should not attempt to overtake a vehicle being pursued at high speeds in order to position the system for utilization.
- E. At no time during the deployment of the system will a deputy place himself in the direct path of a pursued vehicle, which would constitute a safety risk for the deputy.
- F. It is recommended that deputies utilize the patrol vehicle or other fixed structures or objects as a cover element in the event that a vehicle is pursued may endanger the safety of the deploying deputy.

3. Use of Deadly Force

- 1. Deadly Force action is a last resort and, when used, a deputy will strictly adhere to Standard Operating Procedures.
- 2. Deputies utilizing deadly force in a pursuit situation and in compliance with this section shall direct the use of the force towards the driver of the vehicle. Additional caution should be used when there are other occupants in the vehicle or unwilling participants.

4. **SUPERVISORY RESPONSIBILITIES**

- 1. Supervisory responsibility will be with the initiating pursuit deputy's on-duty supervisor, or in the event that the on-duty supervisor is unavailable, any on-call supervisor.
- 2. Upon being notified of a pursuit, the supervisor shall;
 - A. Assume management and control of the pursuit from time of notification to the conclusion.
 - B. Ensure the pursuit is in compliance with the guidelines established in this section.
 - C. Ascertain if aerial assistance is available and coordinate the tactical apprehension if this support is available.
 - D. Ensure that all effected public safety agencies are notified.
 - E. Assist the deputy/ supervisor in charge of the pursuit with any necessary support requested.

- F. When warranted, terminate or direct the Communication dispatcher to have deputies terminate the pursuit.
 - G. When necessary for the protection of the public, call for the establishment of a location to disable the fleeing vehicle by the use of mechanical tire deflation system, or the direct use of deadly force.
 - H. If a pursuit is terminated by a supervisor, that supervisor will instruct the pursuing deputies to meet at a specified location. The supervisor will obtain all information regarding the pursuit from the deputies involved.
- 3. A supervisor will respond to the pursuit termination point and assume responsibility for any law enforcement action taken at the scene. Supervisors shall critique each pursuit action regarding adherence to Sheriff's Office Policy. A written report will be completed on all pursuits and a copy forwarded to the Sheriff.
 - 4. The supervisor involved in a pursuit shall hold a critique session, preferably during briefing, and discuss positive and negative aspects of the pursuit, and utilize this information as a training aide.

5. JURISDICTION ISSUES

- 1. When a pursuit leaves Socorro County the deputy will terminate the pursuit if:
 - a. Directed to do so by a supervisor
 - b. Requested to do so by the jurisdictional agency
 - c. When proper communications become a safety issue
- 2. When a pursuit by another agency enters Socorro County, the responsible supervisor will determine Sheriff's Office involvement or maintenance of the pursuit.
- 3. When another public safety agency's pursuit does not meet the standards of this Sheriff's Office's policy, active participation will be prohibited. Any type of assistance extended to a public safety agency will be given when formally requested by the agency involved and will be restricted to the following measures:
 - a. Blocking of intersection(s) to allow un-restricted and safe passage of vehicles involved in the pursuit.

SUBJECT: Vehicle Operations	NUMBER: 2-5.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE:05-01-2018
NMMLEPSC STANDARDS: OPR.01.01, OPR.01.02, OPR.01.03, OPR.01.04, OPR.01.05, OPR.01.06, OPR.01.07, OPR.01.08	APPROVED: Sheriff

A. POLICY

The Sheriff's Office's vehicles are essential to an effective law enforcement operation. Carefully selected and maintained vehicles have a positive effect on operations in general and individual deputy performance in particular. Emphasis is placed on preventative maintenance, prompt mechanical repair, application of safety standards and obtaining maximum utilization of the available fleet.

B. PATROL VEHICLES

Each patrol unit is conspicuously marked and equipped with items to assist in routine daily occurrences. This may include, but not be limited to,

1. first-aid kit
2. recorder
3. roll-a-tape
4. fire extinguisher
5. evidence collection materials
6. Leather gear
7. Body Armor
8. radio
9. traffic vests

Unmarked units will be used for traffic enforcement in the event that unusual circumstances arise. All unmarked vehicles which could be used for traffic enforcement will be equipped with siren, radio, and emergency lights.

C. SPECIAL PURPOSE VEHICLES

A number of vehicles are owned and operated by the Socorro County Sheriff's Office which is designated for special purposes.

1. DWI Enforcement Trailer

- A. The use of this trailer is primarily intended for the purpose of DWI Enforcement in the form of Sobriety Checkpoints.
- B. The trailer is equipped with all necessary equipment to conduct the Sobriety Checkpoint.
- C. It is the responsibility of the supervisor assigned to the Sobriety Checkpoint to ensure the readiness of any equipment for the next checkpoint.
- D. No special training is required for its use.

2. ATV's

- 1. The use of this ATV's is primarily intended for the purpose of patrol, searching of large unimproved or primitive areas, or other uses as needed by the Sheriff's Office.
- 2. The use of ATV's does require the operators to utilize proper safety equipment (i.e. helmet, safety glasses, boots).
- 3. It is the responsibility of the Fleet supervisor to ensure the readiness of the ATV's for the next operation.
- 4. Special training is required for their use.

D. OPERATION OF VEHICLES

- A. When leaving a Sheriff's Office vehicle parked unattended, employees shall lock the ignition and doors and retain the key on their person unless impossible or impractical because of duty requirements. The security of law enforcement equipment and confidential material in vehicles will be the responsibility of each individual deputy.
- B. Regardless of weather conditions, deputies shall roll up all windows in police units at the end of their tour of duty.
- C. Deputies should secure his/her vehicle while the engine is running. The only exceptions will be if the employee has to exit the vehicle in an emergency situation or on normal traffic violations.
- D. In the event a deputy moves equipment from one vehicle to another, it is his/her responsibility to replace the equipment or notify his/her supervisor of the change and reason.
- E. Only authorized personnel are permitted to operate Sheriff's Office vehicles.

E. USE OF SEAT BELTS

While operating a vehicle, members of this Office will use the installed seat belts. Circumstances may, however, occur in which deputy safety issues may outweigh the use of the seat belt (i.e. removing the seat belt just prior to arriving at the scene of an emergency call).

F. INSPECTIONS

- A. Deputies will be responsible for inspecting the interior of their assigned patrol units for contraband and weapons during the course of their shift. The vehicle will be inspected as follows:
 - 1. Before each shift
 - 2. Immediately before and after transporting person(s) or prisoner(s);
- B. Any contraband or weapon(s) found during the inspection prior to starting the shift will be reported to the deputy's supervisor as soon as possible.
- C. Shift Supervisors will conduct monthly inspections of vehicles utilized by their subordinates. Random inspection may be done at any time by supervisors as needed, or at the orders of the Sheriff. The Vehicle inspection sheet will be forwarded thru the chain of command to the Captain.
- D. Vehicle inspection forms will be maintained by the Sheriff's Office for one year.

G. MAINTENANCE

- 1. Sheriff's Office employees assigned a unit will be responsible for the following:
 - A. Cleanliness of the interior and exterior of the vehicle
 - B. Regular maintenance is maintained on his/her assigned Sheriff's Office vehicle.
 - C. Deputies will be responsible for insuring the overall appearance of their assigned vehicle and will insure this by arranging such washing or other cleaning as is necessary.
- 2. Members of this Office will be restricted from:
 - 1. Making anything but minor adjustments on any vehicle;
 - 2. Altering the body, general design or appearance of any vehicle;
 - 3. Any equipment or addition shall require permission from the Sheriff;

4. Making any repairs or having any repairs made to the vehicle other than at a Garage, unless emergency circumstances exist;
5. Using fuel, oil, lubricant, or other liquid additives in the vehicles other than those issued at, or authorized by, the Sheriff's Office.
3. Willful acts or negligence on the part of employees in the care or operation of vehicles or failure to follow the established policies governing the use of vehicles will be cause for disciplinary action.
4. When a Sheriff's Office vehicle is in need of service or repair, the requesting employee will complete a work order with detailed information describing what deficiency was observed or what service is needed.

H. PATROL SHIFT ASSIGNMENTS

- A. The Socorro County Sheriff's Office will provide continuous patrol coverage during shift changes. Shift times may change at the discretion of the Sheriff. Deputies work 10 hours shifts; day shift is from 0700 to 1700 hours and night shift is from 1600 hours to 0200 hours.
- B. Optional hours of operation are 8 hour shifts: day shift is from 0800 to 1600 hours and night shift is from 1600 to 2400 hours. These hours may be utilized when man power is an issue.
- C. Shift assignments are done at the direction of the Sheriff.

I. VEHICLE ASSIGNMENTS

- A. Individual Vehicle Assignments – Take Home Units

The Sheriff's Office has established a policy of assigning take home vehicles to the following positions:

- A. All deputies will be assigned a take home unit.
- B. Deputies can be assigned any vehicle in the fleet at the discretion of the Sheriff or his designee.

J. USE OF ASSIGNED SHERIFF'S VEHICLES

- a) Assigned vehicle may be maintained at the assigned deputy's primary residence. The vehicle should be parked in a location as to minimize the possibility of damage to the vehicle.

- b) Assigned vehicles may be driven for any duty assignment. They may only be driven off duty to attend court, Sheriff's Office sponsored training, Sheriff's Office meetings or while conducting any legitimate Sheriff's Office business, or during off duty usage as described below.
- c) In the event of a shortage of vehicles, for on duty use, the supervisor has the discretion to obtain needed vehicles from deputies who are off duty and in possession of an assigned unit. The supervisor will attempt to make arrangements with the deputy(s) prior to obtaining the vehicle.
- d) A spare key shall be maintained by the Captain for any issued vehicle.
- e) On duty deputies, unless otherwise authorized, must wear the uniform required by that duty and have all required equipment available in the vehicle. This includes but is not limited to badge, body armor, handcuffs, and authorized handgun.
- f) Sheriff's Office vehicles will not be run idle unless the vehicle overhead lights are on.
- g) Deputies are not allowed to transport anyone other than a Socorro County Employee while in an on duty status unless given permission by the Sheriff or his designee.
- h) If a deputy is going to be on any type of leave for a long period the assigned take home vehicle must be turned in and left at the Sheriff's Office. Once the deputy returns to work, a vehicle will be reassigned to them.

K. VALID NEW MEXICO DRIVERS LICENSE

- A. All members of the Sheriff's Office who operate a Sheriff's Office vehicle shall have in their possession at all times a valid New Mexico Driver's License.
- B. If a member has their driving privileges revoked or suspended, they are responsible for contacting their immediate supervisor.
- C. To ensure compliance with insurance standards, each employee who operates a Sheriff's Office vehicle is subjected to a DMV record check at any time.

L. CODE RESPONSE

a) Code 1

1. When responding to a non-emergency call, operation of the vehicle will be with no emergency lights or sirens in operation and within the posted speed limits.
2. Supervisors may respond to any call at any time, and are encouraged to do so and provide guidance and assistance when required.
3. Unless exigent circumstances exist, any other member of this Office operating a Sheriff's Office vehicle shall abide by the state statutes.

b) Code 2

1. Certain conditions may exist where deputies need to only utilize emergency lights, Code 2 operation.
2. Deputy may operate their vehicle Code 2:
 - A. While conducting a funeral escort; or
 - B. While conducting a traffic stop;
 - C. While stopped in the street for some reason, such as investigating an crash, assisting a stalled vehicle or conducting traffic control; or
 - D. When the deputy reasonably believes that use of Code 2 is justified.

c) Code 3

- A. The purpose of emergency equipment on patrol vehicles is to allow the vehicle to proceed through traffic at a reasonable rate of speed with a minimum risk to lives and property by warning other motorists.
- B. When driving under emergency conditions, deputies of this Office will conform to the rules of safe driving and maintain control of the emergency vehicle at all times.
- C. In emergency conditions, when the posted speed limit must be exceeded. Deputies will utilize emergency lights and siren, Code 3 operation. The posted speed limit may be exceeded within reason, keeping in mind the inherent dangers.
- D. Deputies may operate their vehicle Code 3:
 1. upon a call for 'deputy needs assistance'; or
 2. when human life is known to be in danger (such as a crash with injuries)
 3. When there is a felony crime in progress

- E. A deputy may be the subject of disciplinary action if it is determined that he/she failed to use reasonableness and disregarded established traffic laws.

M. DEPUTY'S RESPONSE TO CALL

1. Upon arrival at the scene of a call, the responding deputy shall rapidly evaluate the situation and determine whether additional units are still needed or whether other units responding can be slowed or cancelled.
2. All units responding to robbery and/or burglary-in-progress calls, before coming within hearing distance, shall discontinue the use of the siren and at that time fully comply with all traffic laws. Before coming within sight of the location, deputies shall discontinue the use of the emergency warning lights.

Deputies are reminded that upon deactivation of a siren or flashing lights, their response ceases to be an emergency one and they must comply with all posted speeds and traffic control devices.

3. In situations requiring a silent response, e.g., alarms and prowler calls, deputies shall respond as rapidly as possible, obeying all traffic laws and signs.
4. Deputy-initiated response.

When, in the opinion of the deputy, an emergency is imminent or exists, or that activation of emergency warning devices is necessary to protect life or render the necessary service, the Sheriff's Office authorizes an emergency response.

Examples include:

- A. Any incident where the use of emergency lights constitutes a necessary warning for the safety of life (such as scenes of fires, accidents or disasters).
- B. As a visual signal to attract the attention of motorists stopped for traffic violations, or to warn motorists of imminent dangers.
- C. Responding to a non-Code 3, where the deputy has previous or additional information which would have resulted in the call being dispatched as Code 3.
- D. Where because of location, distance to be traveled, or traffic conditions, the deputy determines that emergency operating conditions are essential in order to provide an appropriate response.
- E. In response to an deputy's emergency request for assistance.

F. For pursuit.

5. Use of emergency warning devices in non-emergencies

II. Deputies shall activate emergency equipment to notify drivers that they must stop and to provide a safe environment for the driver, deputy, and the public.

III. Deputies may activate emergency equipment in non-emergencies when expediency is required to eliminate a potential hazard to the public or other deputies, such as using emergency lights to protect disabled motorists or when Sheriff's Office vehicles are used as protective barriers.

SUBJECT: Internal Affairs	NUMBER: 2-6.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 05-02-2018
NMMLEPSC STANDARDS: ADM.19.01, ADM.19.02, ADM.19.03, ADM.19.04, ADM.19.05, ADM.19.06, ADM.19.07, ADM.19.08, ADM.19.09	APPROVED: Sheriff

A. POLICY:

The image of the Sheriff's Office depends on the personal integrity and discipline of all Sheriff's Office employees. To a large degree, the public image of this office is determined by the professional response of the Sheriff's Office to allegations of misconduct against it or its employees. The Sheriff's Office will competently and professionally investigate all allegations of misfeasance, malfeasance, nonfeasance by employees and complaints bearing on the Sheriff's Office's response to community needs. All conditions of the New Mexico statutes pertaining to Peace Office's Employer-Employee Relations will be enforced with regard to investigations and related processes. Every complaint may not result in an Internal Affairs Investigation.

B. INTERNAL AFFAIRS UNIT

This agency shall have a functioning Internal Affairs Unit in operations at all times. The Internal Affairs Unit acts as a staff investigative body, responsible to the Sheriff, for the purpose of conducting administrative investigations with four major purposes.

1. To assist in maintaining Sheriff's Office integrity.
2. Identify members or employees guilty of misconduct so they may be retrained or corrected, or, if unacceptable for further law enforcement service, be removed through proper administrative action.
3. Protect innocent sworn and non-sworn personnel.
4. Enable a legal advisor to render professional legal counsel to the Sheriff or his representatives.

C. DEFINITIONS

1. Complaint: Grievance against a Sheriff's Office employee where he/she is alleged to have violated a policy of the Socorro County Sheriff's Office Rules and Regulations, County of Socorro Personnel Manual, State Statute, or Civil Rights Act.

2. Supervisory Investigation: This category of investigations can be initiated and investigated by any supervisor. These investigations can include, but are not limited to violations of policy or statute. Investigations can be conducted in the absence of a complaint.
3. Internal Affairs Investigation: An investigation conducted at the direction of the Sheriff, performed in an effort to determine if any of the Sheriff's Office's Rules and Regulations or rules set out in the County of Socorro Personnel Manual have been violated.

D. RULES AND PROCEDURES

A. General

- I. The Internal Affairs Unit will be assigned to the Captain and or the assigned detective.
- II. The Sheriff's Office will initiate investigations within thirty (30) days of the date the Sheriff becomes aware of an event giving rise to investigate. All investigations must be completed within sixty (60) days unless the deputy has been notified in writing of the need for an extension, with an explanation outlining the need for an extension.
- III. Any employee who receives a complaint shall to notify the Sheriff through the chain of command.
- IV. Employees shall receive updates of this policy whenever changes are made.

B. Complaints

1. The Sheriff will implement a citizen's complaint form to be utilized by the community to document issues with Sheriff's Office personnel.
2. The Sheriff's Office encourages citizens to bring forward legitimate grievances regarding misconduct by employees. Sheriff's Office members shall receive complaints courteously and shall handle them efficiently. All deputies are obligated to explain to inquiring citizens the complaint procedures.
3. The Sheriff will assign complaint investigations to a supervisor and when necessary authorize the use of other personnel to assist in the investigation.
4. Complaints alleging improper police conduct; brutality or misconduct involving several personnel or supervisory personnel may be handled as an internal affairs matter, and may be investigated by the Captain or assigned detective.

5. Complaints, regardless of nature, can be logged in person, by mail, or by phone at any time. As part of the follow-up investigative activity, persons making complaints by mail or phone normally shall be interviewed and a written, signed complaint prepared.
6. Every effort shall be made to facilitate the convenient, courteous, and prompt receipt and processing of citizen complaints. An employee of the Sheriff's Office, who interferes with, discourages or delays the making of such complaints shall be subject to disciplinary action.
7. A Sheriff's Office member receiving a citizen complaint through U.S. mail shall place the correspondence and envelope in a sealed envelope and forward it to the Sheriff, who will determine investigative responsibility.
8. Complaints received by telephone by dispatchers or other employees will be courteously and promptly referred to the Sheriff. The dispatcher or employee shall record the name and telephone number of the complainant and state that the Sheriff or, if unavailable, the first available supervisor shall call back as soon as practicable.
9. The Sheriff will notify the complainant, in writing, as soon as practicable, that the Sheriff's Office acknowledges receipt of the complaint, its status, that it is under investigation, the investigation will be completed within as soon as practicable, and that the complainant will be advised of the outcome.
10. Personnel who have complaints of misconduct, illegal acts, or violations of policy of other employees will follow procedures stated in the General Conduct Section of this manual.

C. Interviews

1. The agency will provide the employee with a written statement of the allegations and facts they have become the subject of a formal internal affairs investigation. The employee will be advised of their rights and responsibilities relative to the investigation.
2. The interview of sworn or non-sworn personnel shall be at a reasonable hour, preferably when that personnel is on duty, unless the event under investigation dictates otherwise.
3. The interview shall take place at a location designated by the investigator, usually the Sheriff's Office.
4. The sworn or non-sworn personnel shall be informed of the rank and name of the interviewing member and all persons present during the interview.
5. All investigations will comply with the Peace Officer's Employer-Employee Relations Act [29-14-1 NMSA 1978].

6. The questioning shall not be overly long. Reasonable respites shall be allowed. Time shall also be allowed for personal necessities, meals, telephone calls, and rest periods as are reasonably necessary.
7. Sworn or non-sworn personnel shall not be subjected to any offensive language, nor shall be threatened with transfer, dismissal, or other disciplinary action. However, he shall be informed at the outset of the interview that any personnel found to be knowingly withholding evidence or information pertaining to an investigation will be subject to disciplinary action or dismissal. No promises or reward shall be made as an inducement to answer questions.
8. Interviews shall be limited in scope to activities, circumstances, events, conduct or acts, which are relevant to the incident, which is the subject of the investigation. Nothing in this procedure shall prohibit questioning the employee about information, which is developed during the course of the interview.
9. The complete interview of the sworn or non-sworn personnel shall be recorded, and may be transcribed. There will be no “off the record” questions or statements. All recesses called during the interview shall be noted on the recording. The tape recording shall be preserved and may be introduced in the event the employee declines to sign the verbatim transcript of the recording.
10. If the employee is under arrest or is likely to be, he shall be given his “Miranda” rights.

D. Case Files

1. All internal investigations are confidential and may only be copied, released, or reviewed with permission of the Sheriff. All requests for file release, copy, or review will be submitted in writing to the Sheriff.
2. These completed records will be maintained by the Sheriff. These records will be retained for three (3) calendar years. Internal Investigations records will be stored secured and separate from other Sheriff's Office records.

E. Adjudication Of Complaints

II. The Sheriff will classify completed internal affairs investigations as:

III. Unfounded – Allegation false or not based on solid facts.

IV. Exonerated – Allegation factual but lawful and proper

V. Not sustained – Allegation cannot be proved or disproved due to insufficient evidence.

VI. Sustained - Allegations supported by sufficient proof.

F. Disciplinary Actions

All completed investigations will be reviewed by the Sheriff for implementation of disciplinary action, remedial training or other disposition, if required.

G. How To Make A Complaint

- A. If you wish to make a complaint about the actions of a Sheriff's Deputy or about any aspect of Sheriff's operations, please:
- B. Come to the Sheriff's Office and tell any employee that you want to make a complaint or fill our form on the Socorro County Web Site, Sheriff's page, under Public Service Reporting Form. The form utilized for written complaints is located in the appendix of this manual.
- C. Call the Sheriff's Office and tell the person answering the phone that you want to make a complaint; or
- D. Write your complaint and mail it to the Sheriff.
- E. A supervisor will assist you in filling out a report of complaint against Sheriff's personnel form. This form asks you to identify yourself and then to give specific details about your complaint.
- F. Your complaint will then be investigated. You may be contacted and asked additional questions about your complaint.
- G. If it is going to take a long time to investigate your complaint, you will receive a letter telling you approximately when you may expect a reply.
- H. When your complaint has been investigated, the Sheriff will review the investigation and will write you a letter explaining what has been found out about the matter.

SUBJECT: Domestic Violence	NUMBER: 2-7.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 05-02-2018
NMMLEPSC STANDARDS: OPR.13.01	APPROVED: Sheriff

A. POLICY

This policy establishes procedures and guidelines to be used in investigating reports of family violence. Family Violence is a serious danger and threat to society and its members. Victims of family violence are entitled to the maximum protection from harm or abuse as is permitted by law without regard to the relationship between the alleged offender and victim. The primary objectives in responding to a domestic abuse call are to de-escalate violent situations, to render assistance to the victim, to enforce the law against violators, determine the primary aggressor and to facilitate prosecution, where applicable.

B. DEFINITIONS

a) Domestic Abuse

“Domestic Abuse” is Behavior used to control another person through fear and intimidation, often including the use of violence.

This can include physical violence against the intended victim (assault, battery, aggravated burglary); physical violence against others to control intended victim (child abuse, animal abuse, assault, battery); psychological violence (stalking, harassment, criminal trespass, breaking and entering); violence against property to control intended victim (CDP, criminal trespass, breaking and entering, deprivation of property against HHM); and sexual violence (CSC, CSP).

b) Arresting

NMSA § 31-1-7 applies to household members defined as: a spouse, former spouse, family member, including a relative, parent, present or former step-parent, present or former in-law, child or co-parent of a child, or a person with whom the victim has had a continuing personal relationship.

Although you may ARREST under that definition, you do not CHARGE with that definition for NMSA §§ 30-3-11 through 30-3-18.

c) Household Member

The definition of “household member” is a spouse, former spouse, parent, present or former step-parent, present or former parent in-law, grandparent, grandparent-in-law, a co-parent of a child or a person with whom a person has had a continuing personal relationship. A continuing personal relationship is defined as “a dating or intimate relationship.”

This means that siblings, cousins, and other extended family do not qualify for this statute. They are charged with simple assault, simple battery, etc. So you can still arrest these family members under NMSA § 31-1-7, but you cannot charge them under NMSA §§ 30-3-11 through 18.

d) Order of Protection

“Order of Protection” means an order issued by a N.M. State District Court Judge pursuant to the Family Violence Protection Act granted for the protection of victims of domestic abuse with a specific expiration date. Violation of an Order of Protection is a criminal offense.

If the victim wishes to seek a protective order under the Family Violence Protection Act, NMSA § 40-13-2, the new definition of “household member” is: spouse, former spouse, parent, present or former step-parent, present or former parent in-law, grandparent, grandparent-in-law, child, stepchild, grandchild, co-parent of a child or a person with whom a person has had a continuing personal relationship. A continuing personal relationship is defined as “a dating or intimate relationship.”

PLEASE NOTE THAT IN THE CRIMES AGAINST HOUSEHOLD MEMBERS ACT, A *CHILD* IS NOT INCLUDED AS A HOUSEHOLD MEMBER.

Consequently, if the victim of a “domestic” call is a minor child of the suspect/offender, the call will not be handled under the Crimes Against Household Member Act but will be handled as either parental discipline or abuse/neglect of a child, depending on the force used. If the victim is 18 years of age or over and the suspect/offender is a parent, the call will be handled as a battery. If the suspect/offender is the child of the victim or sibling of the victim, the domestic charge could be brought under either the Crimes Against Household Members or the Family Violence Protection Act, whichever is more appropriate.

e) Co-Parent

“Co-Parent” means persons who have a child in common, regardless of whether they have been married or have lived together at any time.

C. DUTIES OF DEPUTIES

- A. A Sheriff's Deputy responding to the request for assistance shall be required to identify the predominant aggressor by evaluating offensive and defensive wounds, past contacts and known information by the deputies and take whatever steps are reasonably necessary to protect the victim from further domestic abuse.
- B. Upon request of the victim of domestic abuse, arrange for transportation by private means or ambulance to a medical facility. If there is any evidence of strangulation, call EMS. Even if the victim refuses, the risk of death from tissue damage showing up hours later in the form of irreversible airways obstruction is too high to not call EMS.
- C. Upon request of the victim of domestic abuse, accompanying the victim to the victim's residence to remove the victim's clothing and personal effects required for immediate needs and the clothing and personal effects of any children in the care of the victim.
- D. Advising the victim of the remedies available under the Family Violence Act/Order of Protection, filing of appropriate crime reports, procedure for obtaining a warrant and the availability of domestic violence shelters, medical care and counseling. A victim of domestic violence will be given a "Domestic Violence packet." stating the victim's rights in both English and Spanish.
- E. Deputies may arrest a person without a warrant when the deputy is at the scene or in close proximity of a domestic abuse call and has probable cause to believe that the person has committed an assault or a battery upon a household member as defined above. When an arrest is made, deputies shall charge the offender under the appropriate statute for battery and/or assault as authorized by 31-1-7, NMSA 1978. These laws can be used even when no Order of Protection exists.
- F. Advise the victim, when appropriate, of the procedure for initiating proceedings under the Family Violence Protections Act or under criminal statutes if applicable, and of the importance of preserving evidence.
- G. All responding deputies will complete an initial Incident Report on every incident of domestic disturbance they are dispatched to, regardless of whether or not an injury was sustained, an assault was committed, or enforcement action was taken.
- H. Sheriff's Office personnel will provide victims of domestic violence with information necessary to obtain a Family Protection Order.
- I. Deputies will assist victim(s) in obtaining an emergency order of protection under the guidelines of 40-13-3.2 NMSA 1978.
- J. Deputies will enforce the provisions of valid Orders of Protection from any state.

- K. Upon request of the petitioner, assist in placing the petitioner in possession of the dwelling or premises or otherwise assist in execution or service of the order of protection.
- L. Deputies shall enforce the provisions of custody as set forth in a valid court order, which may include removing children from the non-custodial parent or guardian.
- M. Deputies will attempt to ascertain that the order shown to them is the most current order in place. This can be accomplished by communicating with both parties that are involved or by contacting the District Court.

D. SHERIFF'S DEPUTIES AS VICTIMS/ABUSING PARTIES

The following procedures have been developed to ensure that Sheriff's Office policy is applied fairly and impartially to all members of the community.

- A. When a Deputy Sheriff responds to a call of domestic abuse and finds that the offender or victim is member of the Socorro County Sheriff's Office or another law enforcement agency, the responding deputy will call the Shift Supervisor, who will in turn contact the Sergeant. If the Sergeant is not available then the shift supervisor will contact the Captain.
- B. If the investigation involves a member of the Socorro County Sheriff's Office, the supervisor will consult with the Sheriff. The decision will be made for the Sergeant to handle the investigation or for an outside agency to handle the investigation.
- C. Depending on the nature of the alleged offense and the totality of the circumstances, the deputy from the Sheriff's Office may be placed on paid or unpaid administrative leave at the discretion of the Sheriff or his designee.
- D. In the event that the deputy from the Socorro County Sheriff's Office has an order of protection placed against him / her, the deputy may be placed on administrative leave due to federal law prohibiting a person to be in possession of a firearm while having a protection order in place against them.
- E. At the discretion of the Sheriff, any Sheriff's Office employee involved in a domestic situation may be subject to an internal affairs

E. ORDER OF PROTECTION

A victim of domestic abuse will be instructed to petition the District Court under the Family Violence Protection Act for an Order of Protection. Deputies shall familiarize themselves with these forms and their implication in order to instruct victims of domestic abuse seeking

such relief from Domestic Violence packet. If actual assistance is needed in filling out the forms, the legal advocate for the domestic violence shelter can be called to assist.

1. Court orders may include, but are not limited to the following:
 - B. Awarding temporary custody of the children and allowing for visitation rights and support;
 - C. Ordering that respondent not initiate contact with petitioner;
 - D. Restraining parties from disposing of personal property other than in the course of business, as directed by the Court Order;
 - E. Enforcing other injunctive relief as the Court deems necessary, including orders to law enforcement agencies;
 - F. Granting sole possession of the household to petitioner during the period the Order is effective or ordering the respondent to provide temporary suitable alternative housing for petitioner and any children to whom the respondent owes a legal obligation of support.
1. A Deputy Sheriff shall arrest without a warrant and take into custody a person whom the deputy has probable cause to believe has violated any clauses as set forth in a valid Order of Protection. Prior to any arrests for violation of the Order of Protection, the deputy will verify whether or not the respondent has been served with a copy of the Order. The verification can be done by verifying that the order of protection is on file. Verification can also be done by contacting the Seventh Judicial District Court.
2. Any abusing party arrested for violation of the Order of Protection will be charged under 40-13-6(c), NMSA 1978, "Violation of Order of Protection" in Magistrate Court. A criminal complaint will be completed detailing the violations. A copy of the Order of Protection should accompany the paperwork to Magistrate Court. In addition, any additional criminal charges will be filed.
3. If the alleged abusing party is not arrested, a report shall be filed detailing the allegations. A copy of the valid Order of Protection will be attached to the report.

SUBJECT: Property and Evidence	NUMBER: 2-8.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 05-02-2018
NMMLEPSC STANDARDS: ADM.17.01, ADM.17.02, ADM.17.03, ADM.17.04, ADM.17.05	APPROVED: Sheriff

A. POLICY

All items of an evidentiary nature, lost/found, safekeeping, recovered property, contraband or any other property controlled by the Sheriff's Office which is not agency owned will be placed in the Property Room. Accountability is established for all property received by the Sheriff's Office. This order provides procedures for the management of Evidence or personal property held by the Sheriff's Office Property Section.

B. GOALS AND OBJECTIVES

It is the duty and obligation of all employees involved in the property and evidence handling to care for, control and correctly process all property and evidence coming into their possession, and to properly document all such items.

In order to meet these goals, access to the Property Section is strictly controlled by the Evidence Custodian. Only the Evidence Custodian and the Evidence Supervisor shall have access to secured storage areas and anyone entering the secure areas of the Property Section will be required to sign in/out and state their purpose.

C. EVIDENCE/PROPERTY/FOUND ITEM ACCOUNTABILITY

- A. Deputies collecting evidence, property, or found items are responsible for the proper preservation and safeguarding of these items until they have been secured in evidence lockers or released to the Evidence Custodian.
 1. Deputies will ensure that all items have been properly marked prior to being placed into the Property room.
 2. Deputies will complete an incident report detailing the circumstances by which the property came into the deputy's possession and describing the property.
 3. Deputies (not the evidence custodian) are responsible for investigating found property, including documenting attempts or method of identifying the true owner.
 4. No evidence or property will be left unattended, unsecured or turned into anyone

other than the Property Section. If a deputy collects evidence, which needs to be processed, the evidence should first be placed into the Property room, the processing deputy may then check it out.

5. Any evidence or property should be placed into the Property room prior to the end of the deputy's tour of duty.
 6. For evidence/property which is oversized, has an inordinately high value or which cannot or should not be placed in a temporary storage locker will require that an Evidence Custodian be contacted.
- B. The Evidence Custodian is responsible for the preservation, safeguarding and disposition of all property once it is in the custody of the Property room. The Evidence Custodian is not responsible for any evidence/property which is not properly placed into the Property Section or which is returned to the owner/victim or another agency without correct paperwork.
- C. No one other than the Evidence Supervisor or Evidence Custodian will schedule appointments for citizens for the purpose of releasing or viewing items. Attorneys or Citizens should be told to contact the Property Section during the normal business hours to make arrangements concerning property.
- D. The duties of the Evidence Custodian are:
1. Maintaining all evidence and property in a secure location designated as the property room
 2. Ensuring all evidence is correctly marked and packaged prior to placement in storage
 3. Regularly inspecting and emptying the temporary storage lockers
 4. Maintaining a sign-in log at the entrance to the secured storage areas and be responsible for obtaining a signature for any/all persons entering the secure area
 5. Disposing of all property in accordance with standard operating procedures, all applicable laws and ordinances
 6. Ensuring that the Property Management Record System is updated
- E. The keys for the temporary storage lockers are kept by the Evidence Custodian.
- F. The assigned Supervisor shall inspect the property room and files, at least semi-annually, to ensure that all procedures are being followed, and to ensure that proper accountability procedures are being maintained. If this inspection is unsatisfactory and cannot be corrected, that supervisor may require the Evidence Section to be closed while a complete

inventory is done.

- G. An annual audit will be conducted by a supervisor who is designated by the Sheriff. The Sheriff may authorize an unannounced inspection at any time.
- H. In conjunction with the annual audit, the release and/or disposal of evidence/property will be pursued in accordance with all county ordinances, state statutes and court requirements.
- I. If anyone assigned as an evidence Custodian leaves that position there will be an inventory of all property being held in evidence. This inventory will be performed by the newly designated evidence Custodian and a designee of the Sheriff.
- J. There will be unannounced inspections of property storage areas. This inspection will be conducted at the discretion of the Sheriff.

D. CHAIN OF CUSTODY

- A. The necessary documentary information found in the property form shall be completed prior to the submission of property or evidence into the temporary storage lockers or the Property/Evidence Room.
- B. All property and evidence is labeled with:
 - 1. Case number
 - 2. Time/date
 - 3. Offense/place of occurrence
 - 4. Victim with known information
 - 5. Offender/arrested with known information
 - 6. Article with complete description
 - 7. Type of property (Evidence/Found Property/Other)
 - 8. Deputy's signature (electronic signature will be accepted), date and time
- C. The evidence Custodian has the right to refuse any item that does not conform to proper packaging, may have no report, and is illegible or other. Any such items will be placed into a trouble locker if the deputy is not on duty. The deputy will be notified to correct the deficiency and resubmit the evidence in a timely manner. If the deficiency is not corrected in a timely manner, the Evidence Custodian will contact the evidence supervisor.

E. PROCEDURES

All Property/Evidence shall be properly packaged in an approved container prior to storage. Certain items require specific packaging to provide for storage needs in special storage areas.

The property label will not be used as any kind of security seal, the property label is for identification purposes only.

A. Approved containers are:

1. Evidence bags
2. Manila envelopes
3. Standard brown paper bags
4. Syringe/blade container
5. Cardboard boxes

B. Each piece of property shall have a property label either directly attached to the property, or firmly attached to the storage container.

F. PACKAGING

A. Plastic Bags

- a. Nothing wet, bloody or sharp shall be put in plastic bags.
- b. The property label shall be firmly and securely attached to the package.

B. Paper Bags

- a. These may be used when otherwise appropriate, but shall be used for all bloody or damp clothing after it has been dried.
- b. The property label shall be attached to the paper bag once it has been sealed.

C. Cardboard Boxes

- a. When cardboard boxes are used the most appropriate size box shall be used.
- b. The property label affixed to the box.

D. Manila Envelopes

- a. These shall be used for paperwork or small items that are flat.
- b. The property label shall be attached to the back of the manila envelope. The property label will not be used to secure/seal the envelope.

E. Syringe/blade containers

- a. Syringes will be placed in proper sharps container by deputies.

- b. The property label shall be firmly and securely attached to the package.
- c. Blades or pointed items will be covered in a manner which prevents injury to persons handling the item.

G. TEMPORARY STORAGE

Since the evidence room is only available during specified hours, temporary storage areas have been designated to allow deputies to secure property when needed.

- A. Temporary storage lockers are located inside of the temporary storage room.
- B. For all items which are too large to be stored in temporary lockers the evidence Custodian will be contacted to make arrangements for proper storage of the item.

H. STORAGE PROCEDURES

A. Firearms

Due to the hazards involved with the handling of firearms, the following procedures will be used when submitting a firearm to Property:

- 1. No loaded firearms will be stored.
- 2. All firearms will be unloaded outside the building. If a deputy is unsure of safe unloading procedures for a particular weapon, a firearms instructor or a supervisor shall be contacted for assistance.
- 3. If a weapon is seized and will need to be processed for prints it shall be packaged in the proper manner and have a notation on the outside of the package in large/bold lettering "Do Not Touch, Needs To Be Processed".
- 4. If there is blood on a handgun, it should be placed in a proper cardboard evidence box, or paper bag with "bio-hazard" placed on it.
- 5. Cartridge casings, unfired ammunition, and magazines removed from the firearm will be secured and tagged separately from the firearm. Gun cases, holsters, or any device used to hold or store a firearm will also be tagged separately.

B. Knives/Needles/Razors

Due to the extreme biological hazards associated with these items, special attention and care must be used in collecting, packing, and submitting them.

1. Folding knives shall be closed and placed in their sheaths unless doing so could possibly destroy physical evidence.
2. Knives with exposed blades will be placed in a knife evidence box (preferably). If knife evidence boxes are not available or the knife is too large for the evidence box, secure the knife blade between two pieces of cardboard and will be secured to prevent the cardboard from being accidentally removed from the blade.
3. Caution should be used when handling bloody knives, therefore protective gloves should be worn.
4. Razors must be securely packaged to avoid accidental exposure or punctures. Razors should be secured in a cardboard box or with cardboard or paper and tape.
5. Glass should be packaged in a manner to prevent injury to person(s) handling it. The Evidence Custodian should be contacted for guidance.

C. Clothing

When it is necessary to dry evidence which is wet with body fluids prior to being packaged, the following procedures will be followed:

1. The evidence will be placed in paper containers as they are collected. Any paper bag or container used to package wet or bloody items will be saved and used to repack those items when they are fully dried.
2. Any wet or bloody items will be handled by the evidence Custodian who will ensure proper drying procedures and bio-hazard precautions are adhered to.
3. Each item will be packaged separately so that no cross contamination occurs or physical evidence is destroyed. Each package should display the red bio-hazard label or marked as a bio-hazard.
4. Once any evidence has been removed and appropriately packaged, the locker will be cleaned with an acceptable disinfectant. No locker shall be reused until this occurs.

D. Items of Exceptional Value

These items include but are not limited to money, jewelry, and furs.

1. Money
 - i. All money shall be counted and inventoried using the 'two person rule' to insure the integrity of both the deputies and the Property Section.
 - ii. Once the determination has been made to take money into custody the deputy

shall count the money in front of the person from whom it is being taken, (if applicable).

- iii. The submitting deputy will count the money again in the presence of a second deputy or Sheriff's Office employee. At that time the money will be placed in a currency pouch with the following information written on the outside of the envelope near the property label:
 - 1. List of denominations and quantity of each denomination (i.e. 2- \$10, 3 - \$5, 2 – \$0.25, 3 - \$0.10)
 - 2. Total amount of currency
- iv. The envelope shall have a property label attached to it and should be placed in a temporary storage locker. Money should always be tagged and logged separately from any other evidence.
- v. When the Evidence Custodian completes their daily retrieval, the 'two person rule' will be used again. The envelope will be opened and recounted and then sealed and both persons will initial the outside of the envelope verifying the amount inside.
- vi. Once all verification has been made of the total amount, the money will then be logged as property or evidence and the money will then be deposited at the county treasurer's Office.
- vii. If there is a discrepancy in the amount of money, it will be returned to a temporary storage locker, the deputy will be contacted so the discrepancy can be resolved.

2. Jewelry

- i. Jewelry shall be packaged in manila envelopes when appropriate and always separate from all other property.
- ii. Stones should never be referred to as a diamond, sapphire, etc. but as clear stone, blue stone, etc.
- iii. Metal jewelry should never be referred to as gold, silver, etc. but as gold-colored, silver-colored, etc.

3. Furs

- i. Since furs require careful storage, which the Sheriff's Office is not equipped to handle, this type of item will be handled on a case-by case basis.
- ii. When tagging for submission to evidence, furs should be placed in a paper bag and the property label attached to the bag.

E. Alcoholic Beverages

1. Liquids are not to be placed into the property room. In the unique instance where it is necessary to have the alcohol for evidence the Evidence Custodian shall be contacted to properly store all liquids.
2. Deputies should take photographs for routine day to day incidents that involve alcoholic beverages.

F. Narcotics/Drugs/Paraphernalia

1. All Narcotics shall be bagged separately from all other property, including paraphernalia.
2. When possible, narcotics should be sealed in a paper bag. If the amount is too large for a plastic bag it should be sealed in a paper sack. If the amount seized is of considerable size, an on-call detective should be contacted and will assist in packaging.
3. Paper bags containing narcotics shall be sealed completely. The deputy will then attach the property label to the bag.
4. Paraphernalia shall be packaged securely so that small items do not fall through openings.
5. Any deputy who conducts a field test on a drug investigation shall document the results of the field test in the incident report.
6. Needles will be placed in a small plastic tube which designed for needles/syringes.
7. Test kits are to be photographed and will not be placed in the Property room.

G. Bicycles

1. Each bicycle shall have a separate property label. The description shall be as thorough as possible, including Make, Model, Serial number, Color, Style, Size and any other description.
2. The property label shall be attached to the bicycle;

H. Flammable and Hazardous Materials, Including Explosives

The Sheriff's Office does not have the facilities to store or handle flammable, hazardous, or explosive material.

I. Evidentiary Checks/Misc. Papers

Paperwork should be placed in an appropriate manila envelope. The envelope will have a property label attached to the front.

J. Perishables and Blood

1. Perishables include fresh blood, meat, produce, candy, cookies, plants (other than contraband), dairy products or any other item subject to rapid deterioration, which has a limited shelf life or should be refrigerated.
2. All perishables shall be immediately photographed and released. All photographs and copies shall then be entered into the property room according to procedures. Blood or contraband items shall be left in the refrigerator and the evidence Custodian will be notified about the item.

K. Digital Photographs/Video Recordings

1. Digital (audio, video, photographic, or other types) evidence will be downloaded onto a CD or DVD by the deputy. The CD/DVD will then be placed in a paper CD envelope and the property label will be attached to the front. The property label will not be used to seal the envelope.
2. Digital items from different incidents will not be copied onto a single CD/DVD; they will be downloaded by case to each CD/DVD.

L. Computer Equipment

Computer equipment can be severely damaged or data lost due to improper shutdown procedures. The following guidelines should be used when seizing computer equipment as evidence:

1. If the computer is in operation at the time of seizure, steps will be taken to ensure the computer is shut-down properly. If the deputy is unsure, he/she should contact the shift supervisor or the on call detective.
2. During transport of the computer and/or equipment steps should be taken to ensure it is not dropped, turned upside down or on its side.
3. Any computer equipment should be placed into paper bags to protect it from dust, etc. and tagged accordingly.
4. Due to potential for damage to the printer, the printer cartridge should be removed and stored in a separate paper bag, if the removal does not hamper an on-going investigation. This removal should be done by the investigating detective.

5. Any floppy disks/CD/DVDs should be stored in an area which has a controlled environment, as extreme temperature changes could damage the disk. Disk(s) will be placed into a small manila envelope and tagged accordingly. This may require they are packaged separately from other evidence.
6. Scanners should be treated carefully and prior to transport determine if there is a locking mechanism to engage.
7. All computer equipment should be examined by a person skilled in computer operation, prior to start up.

I. TEMPORARY RELEASE

A. Authorized Release

1. Property/Evidence may be temporarily checked out of the Property Section by employees when authorized. This authorization may be for court, processing or identification purposes.
2. Property may be checked out when necessary for court appearance, transportation to a crime analysis lab or by an investigating deputy.
3. If the deputy assigned to the case has left the employment of the Sheriff's Office, for whatever reason, and no other deputies were assigned to the case, the Evidence Custodian will be required to produce the evidence in court.

B. Check Out Procedures

1. The requesting deputy furnishes the case number in writing 72 hours in advance for the property in question. The Evidence Custodian then retrieves the property from the storage bin.
2. The appropriate chain-of-custody information is completed.
3. If the property has been checked out for more than one week, the Evidence Custodian will determine its location and assures that its continued check out is necessary.

C. Property Return

1. Checked out property shall be returned by the employee who signed it out. This may be accomplished by either turning it over directly to the Evidence Custodian or placing it in a temporary storage locker.
2. Before the Evidence Custodian acknowledges receipt of the property back into the

Property Section, it will be inventoried. If there is a discrepancy, the Evidence Custodian will not continue. An attempt will be made to correct the discrepancy, if none can be made; the Evidence Custodian will note the discrepancy on the evidence tag, notify the deputy's immediate supervisor and complete a supplemental report.

D. Court Retention of Property

1. If the property is retained by the court the deputy shall notify the Evidence Custodian in a timely manner.
2. If the court retains only a portion of the property the deputy shall return the remainder of the property and notify the Evidence Custodian of exactly which items were held.
3. The Evidence Custodian makes a notation on the property tag of any such retention.

E. Laboratory Submission

- a. The chain-of-custody shall be completed when property is checked out to be sent to a laboratory for analysis. The requesting employee shall fill out a laboratory submittal form (lab receipt) along with a request for written laboratory results and package the property that is to be sent.
- b. When packaged for laboratory submittal, the packaging must conform to US Postal Service guidelines or safety considerations for personal transfer. In order to maintain the chain-of- evidence, any evidence which is mailed will be done so via registered mail. If the package is not able to be shipped via mail, the Evidence Custodian will hand deliver the evidence to the lab along with the laboratory submittal form which is signed by the agent who receives the evidence. The package will then be returned via the same method of transfer.
- c. The determination of the method of transfer will be made by the Evidence Custodian.
- d. Property returned from a laboratory is handled in the same way as other property being returned with the exception that a complete inventory may not be possible because any evidence seals will not be tampered with. The property shall have the original case number and evidence label attached.

J. DISPOSITION OF PROPERTY

All items will be released to the rightful owner or will be disposed of by the Evidence Custodian in accordance with County ordinances, state statutes, or court order. Property unclaimed by the owner, that is no longer required for evidentiary purposes, is not needed for any public purpose, or has been left in the possession of the Sheriff's Office for more than 90 days shall be set for auction, reverted to County use, or destroyed. Cash money is receipted at the County Treasures Office and deposited into the General Fund.

A. Evidence

Once property is seized, it automatically becomes the property of the Socorro County Sheriff's Office, until a disposition is received and/or a written authorization to release it by the seizing deputy, assigned detective, or the evidence supervisor.

B. Found Property

Prior to placing any found property into evidence, deputies will attempt to identify the owner and return the property. If contact with the owner cannot be made during a deputy's tour of duty, the item will be tagged into Evidence as found property.

- a. Deputies shall obtain pertinent information from the finding party including name, address, and phone number. Information concerning the finding party should be reflected on the evidence label. If contact is made after the item has been tagged into Evidence, the owner will be provided the case number to assist in the return of the property.
- b. Evidence Custodians will destroy or prepare unclaimed property for auction whenever any found property has remained unclaimed for more than 90 days, or any property not claimed by the person who originally turned it in as found.

C. Safekeeping Property

- a. Property may be tagged into the property room for safekeeping when:
- b. The submitting deputy will notify the owner that the property is being held by the Property Section and must pick up the property within 30 days.
 - i. The date, time, and method of notification will be noted in the incident report.
 - ii. The deputy should notify the owner of the operational hours of the Property Section.
 - iii. If the property is not claimed by the owner or an authorized representative within 30 days, it will be disposed of in accordance with state law.
 - iv. No contraband will be accepted for safekeeping.
 - v. Objects or articles of a non-evidentiary nature should be left with the next of kin or secured at the scene at the time of the preliminary investigation. Items released to next of kin or others will be noted in an incident report. Items of obvious high value will not be left unsecured at a scene of an investigation. Those high value items may be placed into the property room for safekeeping. Property that is taken into custody shall be tagged and logged into the Property Section. This property shall not be released to anyone other than the court or a person authorized to receive them by either a court order or the

- Property room supervisor.
- vi. Prescription drugs belonging to the deceased and seized as part of the preliminary investigation will not be released to a next of kin. Upon completion of the investigation, the drugs will be destroyed in accordance with Evidence Unit procedures.

D. Homicides/Sexual Assaults

- a. Evidence from any Homicide case will be maintained as long as determined by the District Attorney's Office.
- b. Sexual Assault Kits from any Sexual Assault case will be maintained as long as determined by the District Attorney's Office.

K. DELINQUENT NOTICE

- A. If an item has been authorized for release, the owner may be notified by phone to take possession of the item(s). Written notification to the owner to take possession of the item(s) will include reasonable time frame (10 to 15 working days) that they must contact the Evidence Custodian or the property will be disposed of in accordance with Sheriff's Office policy.
- B. The Evidence Custodian shall make every possible effort to contact the owner of the property.

L. EVIDENCE SUBMITTED TO OUTSIDE AGENCIES

- A. Evidence that is transferred from a scene or a deputy's custody directly to an outside facility, bypassing the Sheriff's Office's Property Room, must note the activity associated with the property in the incident report.
- B. If this Sheriff's Office recovers stolen property for another agency, that agency must provide verification prior to the release of any property.

M. STORED AGENCY PROPERTY

- A. Stored agency property will be maintained in a state of operational readiness.
- B. It is the responsibility of each employee to make sure that the stored property under his or her control is maintained in a state of operational readiness.
- C. Agency property will not be stored in the property room unless it has evidentiary value in a criminal investigation that is being conducted by this office. Agency property that is of evidentiary property being investigated by another agency will be kept by that agency. Items that are of evidentiary value that are involved in an internal investigation may be

placed in to the property room, but an incident report must be associated with those items.

N. VEHICLE STORAGE COMPOUND

1. Vehicles that are of evidentiary value in a criminal investigation will be stored in a secure compound.
2. Vehicles that are placed into the storage compound will be entered as evidence in the incident report and in the PTS system to ensure that the chain of custody is maintained.

SUBJECT: Bomb Threats	NUMBER: 2-9.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 05-07-2018
NMMLEPSC STANDARDS: OPR.05.05	APPROVED: Sheriff

A. POLICY:

The Sheriff's Office shall respond to a bomb incident and provide for the safety of citizens and personnel in the response, deployment, and handling of bomb threat/emergency situations.

B. DEFINITIONS:

1. Bomb Threat

A bomb threat is a condition when a suspected bomb/explosive device has been reported but not located.

2. Bomb Emergency

A bomb emergency is a condition when a suspected or actual bomb/explosive device has been located or when an explosion occurs.

C. RULES AND PROCEDURES:

a) Bomb Threat

a) Dispatched deputies Responsibilities

- a) All responding units will cease radio transmission within a four block radius of the suspected location of the device.
- b) Make contact with the person in charge of the premises and the person who reported the threat.
- c) The responding deputy should ask, but is not limited to the following questions:
 - i. Have previous threats been received and the outcome of those threats.
 - ii. Possible motives.
 - iii. Vulnerabilities of equipment and/or personnel.

- iv. Any other questions which might provide assistance in determining the probability of an explosive device being on site.
- d) When the probability of an explosive device has been established, telephone contact will be established with NMSP Dispatch. The deployment of Fire/Rescue equipment should be requested.
- e) The decision to search a public building or area rests with the deputy or supervisor on scene. Permission is required to search a private residence or business.

b) Search Procedure

- i. A plan should be developed before a search is initiated. The areas to be searched and the extent of the search will depend on the following:
 - 1. The type of premises
 - 2. The motivation of the suspect
 - 3. The accessibility of the location
- ii. A floor plan should be obtained and search areas assigned. If a floor plan is unavailable a sketch of the location should be completed and copies given to each search team.
- iii. An attempt should be made to utilize personnel familiar with the areas to be searched when assigning search teams.
- iv. Where a search fails to discover an explosive device, deputies will state only that a device was not found.
- v. The search will be discontinued when:
 - a) Requested to do so by the owner of the premises or the owner's designee.
 - b) Directed to do so by the on-scene supervisor.
 - c) Directed by the New Mexico State Police Office's Emergency Ordinance Disposal personnel.
 - d) The deputy is satisfied that the probability of finding a device by further search is minimal.
- vi. Deputies will not discourage the person in charge of the premises from continuing with a search after deputies depart.

b) Bomb Emergency

i. Initial Contact

- a) When a call is received by personnel of the Sheriff's Office regarding a suspected bomb/explosive device or military ordnance which has been found, the person receiving the call will attempt to obtain information regarding:
 - a) The location of the device
 - b) Type and description of the device
 - c) Quantity and characteristics of the device
 - d) Time the device is set to detonate
 - e) Name of the caller
 - f) Any other information, such as the caller's sex, accent, and any discernible background noises.
 - g) The time call was received, and the time call was terminated
- b) The person receiving the call should record the information obtained from the caller.
- c) The person receiving the call will then notify NMSP Dispatch, Socorro Police Department/EMS/Fire and any other emergency services within the jurisdiction of the bomb threat regarding the call and relay all information obtained.

ii. Dispatched deputies Responsibilities

- 1. All responding units will cease radio transmissions within a four block radius of the suspected or known device. Communications will be conducted by telephone.
- 2. The dispatched deputy will ensure evacuation of all occupants from the immediate area (300 feet or more) and attempt to view the area of the explosive device from a location that provides maximum protection.
- 3. When a suspected device is located, the dispatched deputy will be responsible for obtaining completed preliminary information (witness, calling party, and persons present) and relay this information to the New Mexico State Police Office Emergency Ordnance Disposal personnel.
- 4. Personnel will not touch or disturb a suspected device, regardless of how harmless or innocent it may appear.
- 5. Fire Department personnel will be allowed access to the area in the event of a detonation with causes fire or injury.
- 6. The Fire Department will have primary responsibility in the event a fire occurs or emergency medical treatment is required. Bomb disposal and investigation remain the primary responsibility of the Sheriff's Office.

iii. Supervisor Responsibilities

- a) The supervisor will be responsible for the establishing of a perimeter in the immediate area surrounding the known or suspected device.

- b) The supervisor will take appropriate action for notifying the New Mexico State Police.
- c) In all cases where New Mexico State Police personnel respond to the scene of a known or suspected explosive device and have been briefed, the control containment and/or removal of the device will be coordinated with the on-scene supervisor.
- d) The supervisor will coordinate the evacuation of all occupants from the immediate area.
- e) A Field Command Post should be established as soon as possible. The Fire Department Chief Officer will respond to this location and act as a liaison to coordinate any type of joint effort that may be required.
- f) The Field Command Post should be on the perimeter of the four (4) block area. Fire units which are responding to the incident will initially stage at a four (4) block minimum.

c) Detonated Devices

I. Dispatched deputies Responsibilities

When a device has exploded/detonated, deputies will respond to the location and establish a security perimeter in the immediate area surrounding the explosion site. The sheriff shall be notified through chain of command. The scene of the explosion will be handled as a crime scene.

SUBJECT: Child Custody Orders	NUMBER: 2-10.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 05-03-2018
NMMLEPSC STANDARDS: None	APPROVED: Sheriff

1. **POLICY:**

The Sheriff's Office shall promptly enforce all Child Custody Orders received from a court of competent authority.

2. **DEFINITIONS:**

Child Custody Order:

A child Custody Order is an order which specifically directs the Sheriff's Office to take custody of a child, and either restore them to the petitioning parent, or bring them before a judge for a hearing. These orders specify the exact action that a Law Enforcement Officer must follow, and will identify all the involved parties. Deputies will ensure that they follow explicitly the instructions detailed in the court order.

These orders must be examined carefully prior to any action being taken. If the orders are from neighboring states, the petitioning parent must take them to our State Court for adoption before any action may be taken.

3. **RULES AND PROCEDURES:**

1. Child Custody Orders/Service

- I. Notification to a supervisor that a Child Custody Order has been received for execution. Child pick-up orders will be executed only upon authorization of the supervisor, Captain, Undersheriff or Sheriff.
- II. Notification to CYFD that a court order to pick up the child has been received and that there is no active CYFD or law enforcement investigation regarding the child. Every effort will be made to become knowledgeable in regards to the facts and circumstances of the child's family prior to execution in order to ensure the child's safety and wellbeing.

- III.** If there is an active investigation being conducted by CYFD into the wellbeing of the child or a law enforcement investigation concerning an alleged violation of criminal law, the deputy will coordinate the execution of the order with both the agency conducting the investigation and the CYFD case worker.
- IV.** Under no circumstances will a child be returned to an alleged perpetrator without the knowledge of the judge signing the court order.
- V.** Child custody orders will be served by two (2) deputies. In the event a child pick up order is being executed, deputies will utilize their Sheriff's Office issued audio/video recorder during service.
- VI.** The petitioning parent may accompany the deputies to pick up the child. However, in order to avoid confrontations between the estranged parents or other involved parties, they will not be allowed to enter the building/home where the child is located.
- VII.** When transporting any child, deputies must ensure that they comply with all State Laws pertaining to safe transportation of children, seat belts, child seats, etc.
- VIII.** If the transporting deputies take the involved parties to a hearing, they must be prepared to stand-by until the conclusion of the hearing.

2. Service of Child Custody Orders at School Facilities

- a. Court orders regarding Child Custody matters will not be executed at a public or private school.
- b. A written request may be made to school facilities for the home address of the child, if necessary.

SUBJECT: Civil Process	NUMBER: 2-11.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 05-03-2018
NMMLEPSC STANDARDS: OPR.12.01, OPR.12.03, OPR.12.04	APPROVED: Sheriff

1. **POLICY:**

The Sheriff's Office is mandated by law with the service of legal process in support of the judicial function. This includes the service of all civil and criminal process either received from the courts, or from individuals whose legal interests are affected by the courts' decisions.

2. **DEFINITIONS:**

1. POSTING

The document has to be taped to the most public part of the premises, or the most visible portion of the premises; i.e. the front door of premises. This will be done in accordance with NMSA Rule 6-205 H-(1), which requires a mailing of the document.

2. RESIDENT OF ADDRESS

This has to be a permanent resident of the dwelling who is also 15 years of age or older. This must also be verified by the deputy.

3. LEVY

Indicates that the deputies have, in fact, seized specific property pursuant to the Court Order.

4. PLAINTIFF/PETITIONER

Party initiating the action/complaint

5. DEFENDANT/RESPONDENT

Party named in action/complaint who must reply to the charges or complaint against them.

3. RULES AND PROCEDURES:

a) Civil Process Section

1. The purpose of civil process is to promptly serve and make timely return of all legal process received by the Socorro County Sheriff's Office. At times this may include legal process received from neighboring jurisdictions. Information needed to process the civil papers will be recorded and maintained in the Sheriff's Office's records management program by the civil clerk. The civil clerk will collect fees from plaintiffs in accordance with NMSA 4-41-16.
2. If this agency receives civil process which requires service in another jurisdiction, the individual presenting the process will be informed of the need for them to take the process to the appropriate law enforcement agency in that jurisdiction.

b) Property Seizure

- a) All writs which require the seizure of real or personal property must be executed by a sworn law enforcement Officer.
- b) Two law enforcement Officers will be assigned in the execution of any writ.
- c) All property acquired through the civil process function will be properly accounted for in agency records.
- d) All property and monies collected will be disposed of by the agency pursuant to legal authority.
- e) Any property collected as a result of an execution or other lawful court order, will be secured in a storage unit or other facility which is controlled by the Sheriff's Office.

c) General Duties, Responsibilities and Supervision

1. Service of any civil process, where any State Agency is named as the Defendant, must be served on the Head of the Agency in addition to the Attorney General's Office in Santa Fe, New Mexico. The court document will not be accepted by this Division for service. The individual will be instructed to deliver the document to the Sheriff of Santa Fe County for service, see District Court Rule 1-004 (F) 3D; Magistrate Rule 2-202 C6; and Metropolitan Court Rule 3-202-D (3).

2. Deputies will not involve themselves and/or the Sheriff's Office with re-possessors and/or their agents unless specifically upon direction and authority by a court of record within this jurisdiction. Deputies will not make a determination as to lawful ownership of any goods, chattels and any cause absent orders by the court. It will be the duty of the deputy to instruct the parties involved to seek direction through the courts.
3. If the repossessing agent has documents either issued or filed with the court, that individual must present those documents to the Civil Division before any determination or action is to be taken by the deputy. Deputies shall keep their supervisor(s) apprised for the purposes of review and direction in this regard.

d) Summons and Complaint

A summons is a notice from the court (Magistrate or District) of a civil action. Attached to the Summons is a copy of the complaint filed. This Summons requires a response to the court within the stipulated time period. The time period begins from the date of service of the Summons. Service can be effected through personal service, posting, service of a permanent resident who is 15 years of age or older at the residence, or an authorized agent who can accept service for the defendant. There are many different types of Summons, the general rule for service, however, would be as previously described unless there are special instructions from the issuing court. Failure to answer a Summons will result in a default judgment against the defendant.

e) Summons For Notice of Trial on Petition for Writ of Restitution (Eviction)

A deputy then posts, or serves, the Summons for Notice of Trial of Restitution. This informs them of a specific court date. The Notice for Trial of Restitution must be posted or served no less than seven (7) calendar days prior to the trial or hearing date. It will be the responsibility of the assigned deputy to ensure that the dates are adhered to.

f) Writ of Restitution (Eviction)

1. A removal of tenants from rental property by court order.
2. The actual physical eviction can only be effected by sworn law enforcement Officers
3. Once the deputies arrive and service the Restitution, the tenants are evicted from the property. The deputies may allow them 10 to 15 minutes to gather essential items. Following that, they must vacate the premises. Once the tenants are gone, the landlord must do the following:
 1. Landlord must change locks on the premises to ensure security of the property once the deputies have left. The landlord should change the locks while the deputies are present.

2. The landlord must inventory property left behind by the tenants.
3. Following the eviction, the landlord should have someone available during normal business hours to allow the ex-tenant to enter the premises or other storage facility to remove their personal property in one trip. Landlords do not furnish the new key to the ex-tenant(s).
4. In all the above instances, the landlord must abide by the Uniform Owner-Resident Relations Act, which describes the proper procedures to be used to inform tenants of the landlord's intent to dispose of the property.
5. If the ex-tenant forcibly enters the premises following the eviction, the incident may be considered a criminal act and the proper law enforcement agency should be contacted by the landlord.

g) Evictions/Mobile Homes

1. These are similar to the previous evictions. However, in many of these cases the mobile home is owned by the tenant, but they have fallen behind in payment on the trailer space.
2. Every available effort will be made to locate the owner(s)/resident(s) of the mobile home for the purpose of intent to file, or not to file (claim) a Homestead Exemption, as provided on Civil Form 4-803.
3. The notice of judgment shall state that at a specified time, not less than 48 hours from entry of judgment, the Sheriff will return to serve a Writ of Restitution and superintend the peaceful and orderly removal of the mobile home under that order of court. The notice of judgment shall also advise the mobile home owner to prepare the mobile home for removal from the premises by removing the skirting, disconnecting utilities, attaching tires and otherwise making the mobile home safe and ready for the highway travel.
4. Should the mobile home owner fail to have the mobile home safe and ready for physical removal from the premises or should inclement weather or other unforeseen problems occur at the time specified in the notice of judgment, the landlord and the Sheriff may by written agreement extend the time for the execution of the Writ of Restitution to allow time for the landlord to arrange to have the necessary work done or to permit the Sheriff's execution of the Writ of Restitution at the time when weather or other conditions will make removal less hazardous to the mobile home.
5. If the mobile home is not removed from the landlord's land on behalf of the mobile home owner within the time permitted by the Writ of Restitution, the landlord and the Sheriff shall have the right to take possession of the mobile home for the purposes of removal and storage. Processing in this case will proceed normally, as in the service of any Writ of Restitution.

6. If the mobile home owner is present, they will be served with the Writ and evicted from the home. The landlord must change locks on the home while the deputies are present.
7. If the mobile home owner is not present when the Writ is served, the deputies will again proceed as in a normal eviction. The notice will be posted and the locks will be changed. At this point the landlord must, while deputies are present, complete an inventory of the mobile home contents. In either instance, if the landlord is prepared and has made the proper arrangements to move the mobile home, they may move the mobile home to a storage facility.
8. The liability of the landlord and the Sheriff in such event shall be limited to gross negligence or willful and wanton disregard of the property rights of the mobile home owner. The responsibility to prevent freezing and to prevent wind and weather damage to the mobile home lies exclusively with those persons who have property interest in the mobile home.
9. Utility charges, rents and reasonable removal and storage charges may be paid by any party in interest. Those charges shall constitute a lien which will run with the mobile home and whoever ultimately claims the mobile home will owe that sum to the person who paid it.
10. The Writ of Execution/Restitution will not be closed out/completed until every effort is made to locate the owner/resident.
11. At all stages of the investigation, personnel will completely document all of the information received on the work sheet as well as on the Sheriff's Return of Service. Personnel will keep their immediate supervisor(s) informed of all stages of the investigation.
12. The Sheriff's Office NEVER seizes moves and/or stores a mobile home. This is completely the responsibility of the plaintiff.

h) Writ of Replevin

1. A Writ of Replevin is a court order to repossess goods or chattels that the Defendant wrongfully detains from the Plaintiff.
2. A writ of Replevin must be returned to within 60 days from the date of delivery to the Sheriff.
3. When large or multiple items are involved, the deputies will contact Plaintiff and/or their attorney to take custody of the items when located. This is, in all actuality, a request. State Statutes direct the Sheriff to seize and take responsibility for property seized pursuant to court orders.

4. On Replevins involving vehicles, an Incident Report, tow sheet, with an inventory, will be filled out when the Plaintiff cannot be reached or the attorney cannot be reached.
5. A minimum of two deputies will work a Replevin.
6. When a mobile home is subject to a Writ of Replevin, the plaintiff should be contacted and notified of the time the Replevin is to be executed. Their representative should make arrangements to be present at the time of execution to do an inspection and take possession of the property.

i) Writ of Execution

1. An order from a court ordering the Sheriff to collect money or levy (confiscate) on property to satisfy a judgment. Magistrate Court Writs are for amounts of \$10,000 or less. District Court judgments and subsequent Writs of Execution are for amounts over \$10,000.
2. The Writ can be served to the person named or someone authorized to accept the court document.
3. The Writ orders the Sheriff, or a full time Deputy Sheriff to levy on the personal property of the defendant. This is on Magistrate Court judgments. The District Court judgment reads: "The Sheriff is commanded to levy upon the goods, chattels, lands, and effects of the defendant."
4. The difference between Magistrate and District Writs is that the Magistrate Writ orders the deputy to levy on the personal property of the defendant. District Writs order the deputy to levy not only on the personal property, but also land can be levied against. Each judgment debtor is allowed certain exemptions. Incorporated Businesses are not allowed exemptions. However, there are certain items that cannot be levied against. A business such as a car dealer, or any business that has a large inventory of sale items, usually falls under the Uniform Business Code. The inventory is under lien to the manufacturer, and does not belong to the business. Vehicles on consignment would also be exempt.
5. If the judgment names the business but the business is incorporated, the judgment would have to also name the business as a corporation to be valid.
6. When a judgment is obtained from the court, the plaintiff will get a transcript of judgment and file it with the county clerk. If any "real" property (lands, home) of the defendant is sold, the judgment will be paid. If the deputy receives a Writ of Execution and finds the house is for sale, he will obtain the information concerning the realty company and then return the document to the plaintiff.

7. Prior to the services of a Writ of Execution a deputy should be assured the judgment debtor was served a Notice of Right to Claim Exemptions (Execution), Civil Form 4-808A, and three copies of Claim of Exemptions on Executions, Civil Form 4-803, with the understanding the debtor had ten days to file listed exemptions with the court file for a hearing on the exemptions.
8. When the deputy serves a Writ of Execution, the defendant may say they have filed bankruptcy. If this is the case, the deputy will obtain the bankruptcy case number from the defendant, his attorney, or the Bankruptcy Court. This may also be the case with an Internal Revenue Service or State Tax lien. In the case of an IRS or tax lien, the defendant has to provide the documentation to prove the lien exists. Banks may have liens against the inventory, accounts receivable, and fixtures of the business. Again, documentation would have to be provided by the defendant to stop or stay the Execution. The bankruptcy number must be affixed to the work sheet and the Return of Service.
9. Another way to stop the Writ of Execution is to appeal. The defendant has fifteen days after the entry of the judgment to file an appeal. The appeal is filed with the Magistrate Court. The Magistrate Court Clerk will docket the appeal with the District Court. The action that stays the Execution is the filing of a Supersedes Bond with the Clerk of the Magistrate Court. The appeal process for a District Court judgment would be the same. The judge may waive the bond in either case if so desired; however, documentation from the court must accompany the Writ.

j) Writ of Garnishment

1. A writ served on an employer which requires them to reply to the court regarding the status of a person who may be employed by them. If the person is employed there, the employer will be required to withhold a portion of the person's wages to satisfy a judgment.
2. A garnishment must be served to an executive Officer, payroll Officer, or someone authorized to accept service for the employer.
3. A Writ of Garnishment is in effect, a summons for the employer. It must be answered even when the defendant named is not known or is no longer an employee.
4. The person being garnished can be served the Writ of Garnishment. Example: if the garnishee is the boss.
5. Failure of the employer to reply within the stipulated time limit will result in the court issuing a Writ of Execution against them for the full amount of the original judgment.

k) Writ of Attachment

A Writ of Attachment is an order commanding the Sheriff to seize from the defendant his/her lands, tenements, goods, monies, effects, credits, and all other interests in specific property, this is to hold the property until a decision is made by the court. The Writ of Attachment prevents the defendant from disposing of the property until a hearing can be held. These Writs will be personal service only.

l) Subpoenas

An order from the court that requires a person to appear for a specific matter at a definite time and place.

m) Subpoena Duces Tecum

1. A subpoena which directs the person to appear, as well as bring records, papers, and other documents which relate to the matter at hand.
2. Subpoenas must be personal service only. An attorney can accept service for his client.
3. An agent authorized to accept service may be designated in some cases. For example, doctors may designate their secretaries to accept service for them. Another example would be the Office of Medical Examiner/Investigators. The secretary accepts service for all medical investigators. The deputy must print the authorized individuals name and title accepting service for the recipient on the work sheet and the Return of Service.
4. There are subpoenas, specifically those from the State Labor Commissioner, which must be served at least ten days prior to the court appearance date.

n) Reciprocal Subpoena and Motion for Child Support

This is a subpoena from another state to an individual for a hearing on child support. It is a subpoena and should be personally served.

o) Writ of Assistance

A court issued writ which orders the Sheriff's Office to take a specific action on behalf of the plaintiff. These orders normally involve the recovery of property or the restoration of premises to the plaintiff, and allow the Sheriff's Office to take whatever action necessary to obtain entry into the property in question. Great care should be taken in the execution of these orders, and the following steps taken:

1. All property removed or disbursed to the various parties named in the writ must be

recorded. Details should be included on who took possession of the property, and where it was taken.

2. Normally only those persons who are named in the Writ should be allowed access to the home/property. If other people are present to assist either party, their names must be recorded on the work sheet. During the execution of the writ none of the parties, or other people present who are helping them, should be left unsupervised and allowed to remove ANY property/items from the residence unless directed by Sheriff's Office personnel.
3. Prior to any property being removed, a video recording of the property/home will be made. These recordings will be stored at the Sheriff's Office under safe keeping, where they will be accessible in case of any future litigation.

p) Writ of Execution and Forcible Entry and Detainer

Similar to the Writ of Assistance, it orders the Sheriff to restore property to the plaintiff, and gives the Sheriff authority to enter premises to execute the order. Procedures as stated above for writs of assistance will be followed if any property is affected by the writ.

q) Order Sealing the Premises

1. This type of order originated with the State Taxation and Revenue Office. The business being served would owe back taxes. The deputies' duties, in this instance, would be to accompany the State Taxation and Revenue Officers to the place of business.
2. The order is served to the owner and the business is closed. Everyone is sent home and a copy of the order is posted on the front door of the business. At this point, the State Officers take charge of the premises and the locks are changed.

r) Warrant of Lien or Levy

- A. A warrant which originates at the State Taxation and Revenue Office and is filed with the County Clerk. This authorizes the state to levy on a delinquent taxpayer's property, and requires the assistance of the Sheriff.
- B. The authority to Levy on delinquent taxpayer's property is that of the director of taxation (and does not need a Judge's signature) per NMSA 7-1-31 (1990 Replacement).

s) Video Taping Civil Procedures

- A. Normally all Writs of Assistance will be videotaped.

- B. Before starting a recording, the date and time will be set internally so that it will be recorded as the tape is made. The tape should begin with a recording of the front of the business/residence which would indicate the address. At the same time the deputy making the tape should audibly announce the date, time, address, and case number, so that it will be recorded on the video tape. This will also be done at the conclusion of the tape.
- C. An Offense/Incident report will be completed for each tape recording of a writ. The report will include all information concerning the execution of the writ, and where the video is being stored.
- D. Video will be submitted in a timely manner, and will be appropriately marked with the date, time and civil case number.
- E. The video will be stored. Only Sheriff's Office issued tapes, videos and discs are authorized to be used by sworn personnel.
- F. Duplication of the video recordings may be made pursuant to a lawful court order, or in compliance with a defendant's motion for discovery.
- G. Video tapes may be duplicated for internal use only upon the approval of a supervisor.
- H. A log will be maintained on video recordings which will contain:
 - a. The case number
 - b. Date and time of recording
 - c. Recording deputy
 - d. Supervisor present during recording
 - e. Other personnel present during recording
- I. Deputies who use the video camera will test the camera prior to beginning the actual taping. Any malfunction will be immediately reported.
- J. Video tapes of the service of writs will be stored for a period of two (2) years, or until the possibility of litigation no longer exists for the particular incident.
- K. Supervisory personnel will be present during the execution of any writ where a video recording is made. Only one case/service of writ may be recorded per tape.

SUBJECT: Extradition/Transport	NUMBER: 2-12.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 05-03-2018
NMMLEPSC STANDARDS: OPR.08.01, OPR.08.02, OPR.08.03, OPR.08.04, OPR.08.05, OPR.08.06, OPR.09.01	APPROVED: Sheriff

1. **POLICY:**

The Sheriff's Office shall provide safe, secure, and efficient transportation of prisoners to and from local detention centers, as well as from other States and jurisdictions.

2. **STATUTORY LAW: NMSA 4-41-12 ENTERING OTHER COUNTIES; POWERS**

The various Sheriffs of the several counties of this state shall have the right to enter any county of this state, or any part of this state, for the purpose of arresting any person charged with crime, whether the county so entered be the same to which the Sheriff so entering was elected or not; and the deputies of said Sheriffs shall have the same power as is conferred on the Sheriffs, and any Sheriff entering any county as above mentioned, shall have the same power to call out the power of said county to aid him, as is conferred on Sheriffs in their own counties.

3. **RULES AND PROCEDURES:**

a) Prisoner Transport (Ground)

1. Prisoners will not be permitted to influence, determine or know the travel itinerary.
2. Sheriff's Office personnel will be alert for conversation between inmates regarding escapes or other investigative leads concerning ongoing criminal investigations.
3. Court Services Personnel while transporting prisoners will not allow prisoners to possess or spend any money, checks, etc., while in transit. All prisoner funds and valuable shall be kept/stored away from the prisoner.
4. Prisoners will not be allowed to speak to anyone except Sheriff's Office Personnel, Correctional Officers, or other prisoners while in transit unless authorized by a supervisor.
5. Male and Female prisoners will not be transported together.

6. No medication will be administered unless prescribed by a physician or as indicated by an institution.
7. Use of restraints to secure prisoner is limited to the following Sheriff's Office approved restraining devices:
 1. Double locking handcuffs
 2. Belly chain
 3. Leg restraints
 4. Double locking leg shackles
8. All prisoners or persons in protective custody will be handcuffed behind their backs, if possible, and remain so restrained while being transported to a detention facility. Restraining a prisoner through a procedure commonly known as 'hog-tying' shall not be utilized.
9. Exceptions may be made for the elderly, invalids, ill or injured individuals, or other persons with physical handicaps, which require the use of modified procedures.
10. If the prisoner poses a flight risk or increased danger to the deputy, the additional use of a belly chain, leg restraint or leg shackles may be utilized.
11. Prisoners will not be handcuffed to stationary objects. Exceptions to this are in holding areas in the Sheriff's Office or other Law Enforcement Agencies or detention centers.
12. When it is necessary for a deputy to transport a prisoner of the opposite sex or a juvenile the deputy will notify the dispatcher of the location, beginning mileage, and destination. Upon arrival at the destination, the deputy will notify the dispatcher of the ending mileage and location.

b) Personnel Responsibilities in Ground Transport

1. Under no circumstances should one deputy attempt to transport more than one violent person.
2. All vehicles used in the transport of prisoners will be searched prior to use. The search will include an inspection of the prisoner area as well as the entire interior of the vehicle. If the trip involves more than one day, the search shall be completed prior to loading prisoners at the beginning and ending of each day.
3. The number of prisoners assigned to a vehicle shall not exceed the designed passenger load of that vehicle.

4. At no time will Sheriff's Office personnel-prisoner ratio be greater than one to one while transporting a prisoner in an unscreened vehicle. Vehicles assigned to the transportation unit will have a security screen in such a position which will separate Sheriff's Office personnel from prisoners.
5. In all cases where provided, seat belts will be utilized by each prisoner and the deputies.
6. In the event an unscreened vehicle is being used, the prisoner will be seat belted into the right front passenger seat.

c) Special Conditions on Transported Prisoners

1. Should it become necessary for the prisoner to use restroom facilities, Personnel shall park as close to the restrooms as possible.
2. Police facilities should be used when possible.
3. Prisoners will be removed from the vehicle one at a time.
4. A thorough search of the facilities will be conducted prior to the prisoner being allowed to use them.
5. Restraining devices will not be removed.
6. Each time a prisoner is placed in or removed from a vehicle, a check of the restraints will be done.
7. Rest areas on interstates should be avoided and facilities should always be selected at random after leaving the interstate highway.

d) Extradition by Commercial and Charter Air

Deputies traveling on commercial or chartered aircraft with prisoners must be trained on that procedure and have written permission by the Sheriff. If armed air transport is required deputies must meet the guidelines set forth in F.A.A. regulation 108.21.

e) Extradition Clothing Attire

1. Assigned deputies will be attired in Sheriff's Office uniform while transporting prisoner(s) within the State of New Mexico.

2. Deputies assigned on Charter Aircraft extraditions, will be attired in Sheriff's Office Uniform. Any exceptions to uniform will be upon direction of the Sheriff.
3. Deputies travelling out of state on extraditions will be attired in dress coat or jacket and neck tie when accompanying prisoners.
4. Female deputies will dress appropriately and in good taste.

f) Booking Procedures

- a) Deputy(s) will remove the prisoner from their patrol unit and walk them to the booking area of the Socorro County Detention Center.
- b) Upon arrival at the Detention Facility the deputy will secure their firearms in the authorized lock boxes or within the trunk of their vehicle. The key to the lock box or the trunk of the vehicle will be placed in a location to prevent access by the prisoner. The prisoner will then be removed from the vehicle and released to the custody of the correction Officers.
- c) In the event a prisoner presents a security hazard to the court, the respective judge shall be notified prior to arraignment so that other arrangements or additional restraints may be utilized.

g) Documentation

1. Any prisoner being transported from a detention facility must be positively identified as the person who is to be moved. This should be done by checking booking records assigned to the prisoner. The prisoner should not be transported, except in case of emergency, until positive identification is confirmed.
2. If a prisoner is being transported to a local court, the paperwork should have already been transferred. If the prisoner is being transported to a court in another jurisdiction, copies of the arrest record, complaint, and related reports must accompany them.
3. If the prisoner is being transported to another facility, copies of their arrest record, court papers and personal property should accompany them.
4. Transfer documentation must include information that specifically alerts receiving deputies to potential security problems. This information may include the prisoner's suicide or escape potential and unusual illnesses. Deputies must get the signature of the receiving Officer when releasing a prisoner from their custody.

h) Escape of Prisoner In Transport

1. Should a prisoner escape during transport, the transporting deputy shall:
 1. Immediately notify dispatch of the escape and request assistance in the search and apprehension of the escapee.
 2. Notify the appropriate law enforcement agencies for assistance if the escape takes place outside the County of Socorro, the deputy shall cooperate with local authorities in completing any necessary reports.
 3. Notify an immediate supervisor as soon as practical.
2. The transporting deputy shall submit a complete report on the escape as soon as practical.
3. If the prisoner is recaptured within a reasonable time period, the prisoner may additionally be charged with any applicable crimes. If the prisoner is recaptured outside a reasonable time period, they are still considered under arrest on the original charge. Any additional charges may be sought through the issuance of a warrant.
4. If the prisoner is not recaptured, the deputy shall prepare the necessary paperwork to obtain a warrant.

i) Handling a Disturbed or Violent Prisoner

Although few of the mentally ill are dangerous or violent, there are situations involving those who are. Handling a violent person for transportation or extradition is difficult and sometimes dangerous work. The more informed deputies are about this area, the less at risk they will be.

j) Prisoner Care

1. If a prisoner needs medical attention while being transported by Sheriff's Office personnel, they will be taken to the nearest medical facility that is available to the transporting deputies.
2. If a prisoner being transported is known or suspect of having a communicable disease, such as AIDs or Hepatitis, transporting deputies will take precautions to ensure that they do not come into contact with any open sore/wounds or any body fluids without wearing the proper personal protection, i.e. gloves mask.
3. If temporary treatment of the medical problem can be accomplished in a timely manner, Sheriff's Office personnel will stay with the prisoner and then continue on with the transport to the original destination without delay.
4. If the treatment of a prisoner becomes of such nature as to cause his/her admission into a medical facility, the Deputy-in-Charge shall immediately call his supervisor(s)

so that proper arrangements can be made as to the guarding of the prisoner, as well as ensure that proper medical attention is received.

5. If it should become necessary to make arrangement for medical or housing expenses to be taken care of while transporting a prisoner, any bills incurred should be addressed by the Sheriff.

k) Prisoner Searches

- A. The in-custody search is employed at the time of arrest, when assuming custody from another deputy, or upon acceptance of a prisoner from a jail or prior to the removal from a cell block or a detention facility.
- B. Sheriff's Office personnel are required to personally search each prisoner upon each occasion of assuming custody of the person. Searches of prisoners and their property are for the purpose of identifying and removing any contraband. This includes illegal or controlled substances and weapons or other items which may cause or result in bodily injury to the transporting deputies, the prisoner, or other prisoners. Articles which may be hazardous or may aid in the escape or attempted escape of a prisoner will also be confiscated.
- C. Prisoner searches require a professional, systematic and consistent approach. The deputy should have a professional attitude toward the search and the prisoner. This should be exhibited by a polite but firm demeanor. Prisoners should not be physically forced as long as they comply with the deputies' commands. The search should be systematic and methodical. Deputies also need to strive for consistency in searches as experienced prisoners may distract the deputies efforts and the repetitive nature of the work may dull the deputy's search methods.
- D. In-custody searches of female prisoners should be made by female personnel and of male prisoners by male personnel. Only in emergency circumstances will an in-custody search by sworn personnel of the opposite sex be allowed and then the search will be done with the utmost discretion. Deputies must be mindful of the potential consequences such action could bring upon the Sheriff's Office. Hand-held metal detectors should be used if available.

l) The Strip or Body Search

- a) Deputies that have reason to believe a strip search must be conducted must have probable cause. A search warrant will be obtained prior to any strip search done by this Sheriff's Office.
- b) Detention facilities routinely conduct strip searches as part of admission procedures. Deputies will not be present nor participate in these searches. If a deputy has information that does not amount to probable cause that deputy may inform the

detention facility of that information. Deputies will not solicit the detention facility to conduct a strip search to bypass the Sheriff's Office requirements for a search warrant.

- c) Deputies may have reason to believe that a prisoner has swallowed or has hidden contraband inside their body. If the deputy has probable cause a search warrant will be obtained. Once a warrant is obtained the deputy should utilize an x-ray machine at a medical facility. If a deputy does not have probable cause for a search warrant the deputy will notify the detention facility of the information. Deputies will not solicit the detention facility to conducting a search for the contraband.

SUBJECT: Juvenile Procedures	NUMBER: 2-13.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 05-03-2018
NMMLEPSC STANDARDS: OPR.04.01, OPR.04.02, OPR.04.03, OPR.04.04	APPROVED: Sheriff

A. POLICY

- B.** The purpose of this policy is to define Sheriff's Office procedure and provide guidance to deputies when handling juveniles. Deputy's interaction with juveniles differs from that of adults. While juveniles are afforded equal protection under the law, as are adults, there are differences in how juveniles are to be handled under current New Mexico Law. When dealing with juveniles, deputies will use the least coercive of reasonable alternatives. However, violations of the law are not to be ignored and any interventions by the Sheriff's Office shall be documented.

The Sheriff's Office is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. The Sheriff's Office does not identify any one person or position to oversee juvenile operations, therefore it is the responsibility for all agency personnel and components to participate - in and support the juvenile operations.

C. RULES AND REGULATIONS

1. Custody

1. Delinquent Child

- I. If a child is taken into custody the on-duty or on-call JPPO will be notified as soon as possible by the arresting deputy. The deputy will advise the dispatcher of the name, and other pertinent information and the dispatcher. At that time, the JPPO will authorize either release or detention.
- II. If the JPPO authorizes release, the appropriate paperwork will be completed and the juvenile released to a parent or guardian. The detaining deputy will document the time, date and person the juvenile is released to.
- III. If the JPPO authorizes the detention of the juvenile, the arresting deputy will complete a juvenile statement of probable cause which will be attached to the arrest report.

2. Detoxification

Juveniles will not be detained for detoxification purposes only by this Office. If a deputy comes into contact with a juvenile who is intoxicated and poses a danger to him/herself or others, the juvenile will be transported to the emergency room and every effort will be made to notify the parents or guardians. If a parent or guardian is not available CYFD will be contacted.

3. Protection Of Rights

To ensure that the constitutional rights of the child are protected, once a juvenile has been taken into custody, the following guidelines will be met.

- a) The child will be brought to the Socorro County Sheriff's Office without delay unless the child is in need of emergency medical treatment.
 1. The JPPO will be contacted as soon as possible and the procedure outlined in the above section followed;
 2. The arresting deputy will complete an "Arrest Report";
 3. The child will be given a copy of the "Advise of Rights" to read and sign. The copy will be attached to the arrest report. If the child is being detained, a "Probable Cause Determination" will be completed detailing the events of the crime and the reason for taking the child into custody without a warrant.
- b) If the child is taken into custody a complete copy of the report will be forwarded to the JPPO's Office.
- c) Physical forms of identification (i.e., hair, blood, urine, handwriting samples) with regard to juveniles cannot be obtained without a search warrant.

4. Parent Notification/Release

1. The parents/guardians of the child will be notified the child is in custody as well as the reason for detention and disposition;
2. If no parent or legal guardian can be contacted, Children Youth and Families will be notified.
3. When the child is released from custody to a parent/guardian, or is being transported to a detention facility, it will be noted on the incident report.

5. Custodial Interrogation

The guidelines of the Children's Code, 32A-1-1 to 32A-20-1, N.M.S.A. 1978, does not prohibit deputies from interviewing and taking statements from victims or witnesses of

any age. While the presence of the parents/guardians is not mandatory during the interrogation of a juvenile, prior to taking this action, the deputy(s) will confer with the parents/guardians. The interrogation shall be limited to no more than two (2) deputies being present. The questioning will not last longer than two hours and there must be a thirty minute break before resuming interrogations. No child will be interrogated or questioned without first being advised of his constitutional rights and a waiver is secured from the child. Statements, confessions or admissions made by children under the age of thirteen (13) cannot be used against them. During the course of the interrogation, the deputy will explain to the juvenile the Sheriff's Office's procedure and the role of the juvenile justice system in investigations.

6. Criminal Citations

Citations may be issued to juveniles in lieu of arrest.

7. Traffic Citations

All Magistrate Courts shall deal with traffic offenders under the age of eighteen (18) years, except as provided in the Children's Code. Magistrate Court shall not incarcerate a child found guilty of any of the provisions of the Motor Vehicle Code without first securing approval of the Children's Court. If the Children's Court acquires jurisdiction over a child pursuant to any of the Motor Vehicle Code violations, it shall have jurisdiction over all traffic offenses alleged to have been committed by the child arising out of the same occurrence.

G. Handling Juvenile Offenders

1. When investigating offenses or incidents involving juvenile offenders, deputies will use the most appropriate alternative. These alternatives may include:
 - A. Release with no further action;
 - B. Referral to Teen Court, or JPPO whichever is applicable;
 - C. Custodial arrest with referral to juvenile authorities.
2. Based on the nature of the investigation, when a deputy determines that a juvenile will not be arrested, he/she will be encouraged to contact the parent/guardian while at the scene with the child, in order to notify them of the investigation.

H. Runaways/Endangered Child

- A. All runaway reports must be completed as soon as possible and the appropriate paper work submitted to NM State Police Dispatch.
- B. The Juvenile Probation and Parole Office must be notified in the event a runaway

from another state is located since they are responsible for seeing that the child is returned to his/her home state.

- C. CYFD hotline must be called for the purpose of emergency placement of an endangered child. The deputy should notify the call taker that he or she requires a caseworker for an emergency placement of an endangered child.
- D. If time becomes a critical issue and it is feasible to relocate the child to the Sheriff's Office, have the caseworker respond to the Sheriff's Office. In any case, the child is the responsibility of the responding deputy until he/she has been turned over to CYFD.

I. Detained Juveniles

Juveniles that are in custody of the Sheriff's Office will be maintained separately from adult prisoners. Juveniles will not have line of sight of adult prisoners at any time.

SUBJECT: Sex Offender Registration	NUMBER: 2-14.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 05-04-2018
NMMLEPSC STANDARDS: ADM.27.01	APPROVED: Sheriff

1. PURPOSE

The Sex Offender Unit of the Socorro County Sheriff's Office has the responsibility of conducting initial and follow up investigations of all sex offender violations; to include but not limited to: failure to register, failure to notify of change of address. The Sex Offender Unit is responsible for maintaining the sex offender file for all registered sex offenders within the County of Socorro. The Sex Offender Unit shall organize and complete validations of sex offenders on a regular basis, working with outside agencies in order to complete validations. The Sex Offender Unit shall communicate with the NM Department of Public Safety to assure the Sheriff's Office is in compliance with State Law.

2. DEFINITIONS

Registered Sex Offender is any individual who is convicted of a sex offense in any United States jurisdiction, including convictions for sex offenses under federal, military, state, territorial, tribal, or local law.

3. RULES AND PROCEDURES

The Socorro County Sheriff's Office rules and procedures are governed by New Mexico Sex Offender Registration and Notification Act Chapter 29 Article 11A NMSA 1978 and by the Socorro County Sex Offender Ordinance Chapter 130.30 thru 130.35

Personnel from the Criminal Investigations Division will be assigned to the Sex Offender Unit. The Criminal Investigation Division supervisor will supervise the Sex Offender Unit. Deputies from other Sheriff's Offices maybe assigned to work with the Sex Offender Unit from time to time as needed and approved through the chain of command.

a) Sex Offender Registration

i. Registration Requirements

Deputies assigned duties related to sex offender registration shall ensure that all data required by law and Sheriff's Office directive are properly recorded and disseminated. In compliance with state and federal law, this Sheriff's Office shall establish a process for accepting and compiling registration information for all sex

offenders residing, working, or attending school within jurisdictional boundaries who meet registration requirements. This information shall include but is not limited to the following:

- i. Name and aliases (and, if available, names of all immediate family members)
 - ii. Internet identifiers and addresses
 - iii. Telephone numbers (home, work and cellular)
 - iv. Social security number
 - v. Address of residence (or where a sex offender can be located during the day or at night), and name and address of work and/or school (if applicable)
 - vi. Date of birth
 - vii. Driver's license or identification card
 - viii. Professional licenses
 - ix. Current photograph
 - x. Finger and palm prints
 - xi. Vehicle information
 - xii. Physical description
 - xiii. Criminal history
 - xiv. DNA sample
- ii. Registration Procedures

When a convicted sex offender is released from a correctional facility or has served his sentence in the community and is required to register, this Office shall accept the offender and process the registration. The following duties should be assigned to registration and may include but are not limited to:

1. Interviewing the offender to collect additional information for the file.
2. Maintaining comprehensive files and a records retention schedule. Each file shall include the following:
 1. Initial registration information
 2. Any subsequent change of address, employment, or educational information
 3. Case reports and paperwork from other law enforcement and public safety agencies
 4. Documentation of any address verifications or other police contacts with the sex offender
 5. Proof of receipt of registration requirements signed by the offender
3. Notifying appropriate internal and external contacts or agencies (such as the police Office, the state police, the probation and parole Office, and the state or national sex offender registry).

4. Entering and transmitting data to state and national sex offender law enforcement databases and public sex offender registries as required by federal law or state law.

b) Verification and Investigations

- I. Deputies assigned to monitor registered Sex Offenders shall verify the Sex offenders registered place of residence periodically and by means deemed appropriate by the Captain, including but not limited to in-person verification. If the offender is not living at the registered address or otherwise in noncompliance with federal, state, or local registration laws, assigned personnel shall initiate an investigation to determine registration violations.
- II. Deputies assigned to Sex Offender Registration Shall also investigate all claims/reports of Sex Offenders that move to or are temporary located within Socorro County for any violations of federal, state, or local registration laws.
- III. If a Sex Offender fails to comply with federal, state, or local registration laws, deputies shall complete an investigation and submit such information to the District Attorney's Office for prosecution.

c) Deputy Education and Training

Deputies assigned to registration, notification, or address verification duties shall receive initial and other in-service training deemed necessary to maintain knowledge of sex offender laws and administrative requirements. These include but are not limited to such topics as:

- A. Federal, state, and local sex offender legislation,
- B. Offender rights,
- C. Common characteristics or behaviors of certain sex offenders,
- D. Information that may not be released to the public,
- E. Conditions of probation or parole supervision, courts, or other outside agencies,
- F. Sheriff's Office protocols for verification, records management, community notification and related Sheriff's Office tracking and crime prevention protocols.
- G. Tracking the movement of offenders inside and outside the jurisdiction

SUBJECT: Victim/Witness Services	NUMBER: 2-15.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 05-04-2018
NMMLEPSC STANDARDS: ADM.24.01, ADM.24.02, ADM.24.03, ADM.24.04	APPROVED: Sheriff

A. POLICY

Victims deserve support and fair treatment and since the deputy may be the initial source of protection for a victim, the manner in which they are treated affects their willingness to assist in prosecution and their immediate and long-term ability to cope with crime. Because we are dependent upon the aid of victims and witnesses to hold the criminal accountable, we must ensure that they receive professional handling consistent with their important role.

B. TRAINING

- A. It is the responsibility of the Training Officer to ensure that newly hired employees receive training to include the specific rights of victims, as well as our response to them.
- B. Additional, on-going training shall be provided to deputies. This training may cover existing laws with annual updates.

C. VICTIMS RIGHTS

- A. It will be the responsibility of the assigned deputy to re-contact the victim/witnesses (as defined in the Victims of Crime Act) to schedule line-ups and interviews at the convenience of the victim/witness when applicable.
- B. It will also be the responsibility of the assigned deputy to determine whether any property taken is needed for evidentiary purposes so that it may be returned to the victim/witness as soon as practical.
- C. In the event an arrest is made in a case (as defined in the Victims of Crime Act), the assigned deputy will be responsible for contacting the victim to notify them an arrest has been made.
- D. The Socorro County Sheriff's Office realizes that a victim's willingness to cooperate may be thwarted by threats and intimidation. The Sheriff's Office will provide appropriate assistance based on available resources to victims/witnesses whom have been threatened or intimidated, including filing of additional charges, if applicable, against the offending party.

D. VICTIM-WITNESS INFORMATION

1. As part of a preliminary investigation, members of the Socorro County Sheriff's Office will provide information regarding applicable services and advising the victim on the procedure to follow if they are threatened or intimidated.
2. The deputy is required to provide victims/witnesses his or her (deputy's) name, badge number and follow-up phone numbers so that the victim/witness can report additional information about the case or to check the status of the case.
3. The deputy will provide victims/witnesses information on obtaining emergency protective orders if necessary. The emergency protective order is valid for 72 hours. The deputy must obtain a written statement from victim and prepare a police report before contacting the Judge. The deputy will contact the District Court Judge or Domestic Violence Special Commissioner. Both the deputy and the victim will be required under oath to disclose information in both the police report and the victim's statement. At this time District Court Judge or Special Commissioner will make a ruling as to whether the emergency protective order is issued. The emergency protective order is designed to protect human life.
4. Deputies who are responding to victims/witnesses will make arrangements for victims/witnesses to go to safe places and/or medical facilities.

E. POLICE VICTIM ASSISTANCE

1. Safety and Security
 4. Deputies are responsible for security of the crime or incident scene to protect lives and ensure safety.
 5. Deputies shall render emergency aid to individuals who have suffered physical injuries, and shall, as soon as possible, summon any necessary medical assistance.
 6. Where physical injuries are not apparent, victims shall be asked if they are injured and whether medical attention is required.
1. In order to reduce fright and promote victim communication, victim should be informed as soon as appropriate that they are no longer in immediate danger.
2. Recognizing that victims often suffer physical and/or emotional shock, deputies shall assist them in making decisions and keep them informed of law enforcement actions and requirements.
3. Whenever possible, law enforcement deputies should not leave a distraught victim alone. Arrangements should be made to have a relative, friend, family or personnel

from the Domestic Violence Shelter join the victim for emotional support and comfort, or arrange for transportation of the victim to a friend, family member or other appropriate service provider.

2. Providing Emotional Support

In order to calm and assist the victim in regaining composure, deputies shall

1. Allow the victim a reasonable period of time in which to express feelings and emotions while describing what happened during the incident.
2. Express empathy for the victim and recognition and understanding for emotional reactions.
3. Provide reassurance that the victim's feelings are normal and understandable.
4. Not be overtly judgmental of the victim's feelings and emotions or the apparent lack thereof, or of victim judgments or actions related to the incident.
5. Help redirect any self-blame and responsibility for the criminal act from the victim to the perpetrator; and
6. Emphasize your commitment and that of the Sheriff's Office to assist and work with the victim.

3. Information and Referral

Before leaving the scene, it is important that deputies take the steps necessary to meet victim's needs for support and information. These include:

1. Providing a brief overview of what actions will be taken shortly thereafter, and answering such questions as, "Will a criminal investigator contact the victim?", "Will evidence Custodians be used at the scene?", "Will lineups or show ups be held?", and "What other law enforcement actions will be taken?";
2. Providing information on victim service agencies available in the community; and
3. Leaving names and telephone numbers where the victim can reach the deputy or the criminal investigator at the Sheriff's Office, and encouraging the victim to use the number to report additional information about the incident or to request information or assistance.

4. Follow-up

Lack of information about case status is one of the greatest sources of dissatisfaction among victims of crime and victims' survivors. Therefore, deputies assigned to criminal investigations shall make routine victim call-backs in order to determine whether the victim has new information concerning the case, to ascertain whether the victim is in need of assistance from outside sources or the Sheriff's Office, and to relay information relating to such matters as

- a) The status of stolen, recovered or removed property;
- b) The arrest and detention of suspects, and their pretrial release status;
- c) The victim's possible eligibility for victim compensation;
- d) Court restraining orders;
- e) Court proceedings and schedules; and
- f) The operations of the Sheriff's Office and the criminal justice system.

F. DEATH/INJURY TO A MEMBER OF THE SHERIFF'S OFFICE

The Socorro County Sheriff's Office believes it is their responsibility to provide liaison assistance to the immediate survivors of a member who dies in the line-of-duty, whether feloniously or accidentally, while an active member of the Sheriff's Office and to family members of those who are injured while in the line-of-duty. This includes prompt notification, the clarification and comprehensive study of survivor benefits, and to provide tangible and intangible emotional support during this traumatic period of re-adjustment for the surviving family.

1. Notification

- 1. The name of the deceased or injured deputy should not be released to the media before immediate survivors and the Sheriff are notified.
- 2. Notification shall be made in person by the Sheriff or his designee. .
- 3. If young children are known to live at home, arrangements should be made for their care by the informing deputy.
- 4. A ranking deputy should be present the entire time the family is at the hospital.

2. Data Sheets

In order to assist members of this Office with notifications, each member will complete a Data Sheet in conjunction with their Performance Evaluation.

- A. This form allows deputies to provide information which may be essential in the event of a line-of-duty death or serious injury.
- B. The form will be reviewed by the deputy in conjunction with the Annual Performance Evaluation and any revisions made. It may be updated at any other time as deemed necessary by the deputy.

3. Liaison

- 1. At the earliest possible time, the Sheriff of the deceased member shall appoint a liaison from the Sheriff's Office.
- 2. The liaison is not a decision-making position, but a facilitator between the family and the Sheriff's Office.
- 3. This liaison's responsibilities will include the following:
 - 1. ensure that the needs of the family come before the wishes of the Sheriff's Office;
 - 2. the needs of the family are met;
 - 3. assist with handling funeral arrangements and any available benefits;
 - 4. be provided with updates regarding any investigations to provide information to the family and be available to the family throughout this time. This information shall be provided prior to any press releases.
- 4. The liaison is responsible for keeping the family informed of all new developments if a criminal investigation surrounds the death, prior to any news release

SUBJECT: Crash Investigations	NUMBER: 2-16.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 05-04-2018
NMMLEPSC STANDARDS: OPR.07.07, OPR.07.08, OPR.07.09, OPR.07.10	APPROVED: Sheriff

A. POLICY

The Socorro County Sheriff's Office utilizes the New Mexico Uniform Traffic Crash report form to investigate all motor vehicle crashes that occur within the County of Socorro.

B. RULES AND REGULATIONS

a) Responsibilities

a) As a general rule, the first responding deputy should take charge of the scene until relieved of such duties.

b) Deputies responding to the scene of a reported crash have the following responsibilities:

- a) Determine the need, if any, for EMS response;
- b) Identify potential or actual fire hazards or dangerous conditions so that appropriate action can be taken;
- c) Determine the need for additional assistance;
- d) Protect the scene;
- e) Establish safe movement of traffic around the crash scene.
- f) Collect the necessary information to complete a thorough investigation and file a report.
- g) Locate witnesses and record their statements on one or all of the above crash reports.
- h) Obtain driver statements
- i) Complete a New Mexico Uniform Traffic Crash Report

c) Deputies should expedite the removal of debris and vehicles from the roadway.

d) A diagram of the crash scene is standard procedure for crashes involving a fatality, injury, multiple vehicles involved or drugs/alcohol involved. Exigent circumstances may require the involved vehicle be moved without completion of a diagram. If this occurs, such action should be documented in the narrative of the report. Exigent circumstances may include, but not be limited to:

- 1. Severe weather, or
- 2. When public safety outweighs the need for a diagram.

3. If the crash does not involve injury, the deputy may elect to record measurements in the narrative section of their report in lieu of a diagram.
- e) If fire and/or hazardous materials are discovered to play an important role which could hamper the investigation, the policy covering hazardous material response will be followed. The crash investigation will become a secondary issue.
 - f) If the driver or occupant or a person involved in a traffic crash cannot secure their Personal property (i.e. purses, wallets, jewelry, firearms and large sums of cash), the property should be turned over to a family member or placed into evidence for safe keeping (in accordance with the evidence policy) unless otherwise directed by a shift supervisor. The deputy will attempt to have all personal property delivered back to the owner in a timely manner. If the deputy has trouble contacting the owner the deputy can request assistance from the evidence custodian.
 - g) Vehicles which are disabled due to the traffic crash will be towed as authorized by the deputy, the driver or registered owner. If authorized by the deputy a completed towed vehicle report will be attached to the crash report and a copy will be given to the towing service.
 - h) Occasionally responding deputies may find involved parties of a crash engaged in a dispute. The resolution of this dispute should take precedence over the crash investigation. If necessary, additional deputies should be requested in order to complete the investigation and resolve the disturbance as quickly as possible.
- b) Crashes Involving Damage Or Injury
1. Upon arriving at the scene of a crash if the investigating deputy determines that the damage to the vehicles is over \$500.00 or an injury is reported, the New Mexico Uniform Traffic Crash Report will be completed.
 2. If both vehicles are still in their final resting positions upon deputy(s) arrival, measurements of the crash scene will be taken and included in the crash report narrative. A diagram will be completed for all injury crashes and/or court cases.
- Included in this diagram will be:
- a) The final resting positions of the vehicle(s) involved;
 - b) Any fixed objects involved in the crash;
 - c) Final resting positions of any pedestrians or bicyclists Involved;
 - d) Any other vehicles or fixed objects that might have Contributed to the crash;
 - e) Any physical evidence left on the roadway (skid marks, Gouges. scratches, yaws, debris, etc.); and
 - f) Anything that might assist in a thorough and complete investigation of the crash.
- c) Private Property Crashes

- a) An investigation and report will be made on crashes occurring on private property in the following instances; otherwise a Self-Crash Report will be utilized.
 - A. If there is injury as a result of the crash;
 - B. If the motor vehicle collides with and damages a building; or
 - C. Enforcement will be taken when indicators are present that a person could be driving under the influence of intoxicants or reckless driving.
 - D. The shift supervisor has the ultimate authority in determining what types of private property crashes require a report by a deputy.

- b) Hit and run crashes on private property will be handled in the following manner.

The words "Private Property" will be checked on the New Mexico Uniform Traffic Crash Report and all known information will be listed on the form.

- c) Nothing in this section applies to the investigation of motor vehicle crashes, which originated on public roadways and come to final position within the bounds of private property.

d) Fatal Crash Investigation

- i. Once a deputy arrives at the scene and it is determined that the crash is a fatal or is likely to be a fatal, the on duty supervisor will be notified along with the Chain of Command. If no supervisor is on duty, one will be contacted. The on duty supervisor will supervise all activities at the scene of a fatal crash. The on duty supervisor will assign deputies to perform tasks relating to the crash, and make notifications to the District Attorney's Office and OMI.
 - a) Once a deputy arrives at the scene and it is determined that the crash is involving a fatality, the scene will be secured and treated as a crime scene.
 - b) Upon arrival of supervisors, all information that has been obtained prior to their arrival will be relayed to them.

If a deputy has witness information this information will be given to the investigating deputy.

 - I. If possible, all witnesses will be held at the scene until they can be interviewed by the investigating deputy.
 - II. If the witness has been allowed to leave, the deputy receiving the information and statement from the witness will complete a supplement with the witness' statement.
 - c) The on duty supervisor or his appointee will ensure that there are enough units present at the scene to provide adequate crowd and traffic control. The scene will remain secure until released by the investigating deputies.
 - d) The on-scene Supervisor or his appointee will ensure that only necessary personnel are allowed into the scene.

- e) The Supervisor will be responsible for ensuring that the proper reports have been completed and submitted.
- f) If the on duty supervisor feels it is necessary, he/she may contact New Mexico State Police or an agency with qualified investigators for assistance.

ii. Commercial Truck and Bus

If a commercial truck or bus is involved in a crash, the deputy shall request the New Mexico Motor Transportation Office for an inspection if available.

iii. Hazardous Materials

- a. Hazardous Materials are defined as those substances, which in quantity or form, constitute an unreasonable risk to the health and welfare of the public. They fall into the categories of gases, liquids, explosives, oxidizers, solids, corrosives, poisons, and radioactive materials.
- b. The primary responsibility of the Socorro County Sheriff's Office at the scene of a Hazardous Material spill is containment, evacuation and/or crowd control.
- c. The New Mexico State Police will be contacted for an incident involving a hazardous materials spill.

iv. Follow Up Investigations

If a follow-up investigation is required for a reported crash, it is the responsibility of the original investigating deputy. If information is obtained by a secondary deputy, that deputy will complete a supplemental report and ensure that a copy is forwarded to the original investigating deputy. Any supplemental information should be documented as soon as the information becomes known.

SUBJECT: DWI/DUI	NUMBER: 2-17.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 05-04-2018
NMMLEPSC STANDARDS: OPR.07.06	APPROVED: Sheriff

1. POLICY

The Sheriff's Office encourages deputies to enforce Driving While Under the Influence of Intoxicating Liquor or Drug statutes in order to remove persons suspected of driving under the influence of alcohol, or other substances, from public places. The procedures are intended to serve as guidelines in D.W.I. Enforcement.

2. RULES AND REGULATIONS

a) Deputies suspecting that the driver of a motor vehicle is under the influence of alcohol or other substance may take the following actions:

a. Routine Traffic

1. Observe the suspect's driving behavior for a safe distance to determine reasonable suspicion or probable cause to stop the vehicle.
2. Stop the vehicle at a safe location for the protection of the suspect, deputy, and any vehicular traffic.
3. Observe the suspect to determine if he might be under the influence. Once this is determined, request that the suspect take sobriety tests, which are described in the next section.
4. When it is determined that the person may be intoxicated, the suspect should be placed under arrest.
5. The suspect's vehicle shall be towed, following the Sheriff's Office policy. The vehicle may be released to a responsible person at the deputy's discretion.
6. Advise the suspect of the Implied Consent Act, and request him/her to give a sample of his breath, blood, or both. If the suspect refuses, inform him of the consequences of refusing. If a substance other than alcohol is suspected, a blood test should be requested.
7. Transport the suspect to obtain a breath/blood test.

2. Crash Investigations

If there is probable cause that a driver involved in a crash is intoxicated, the same procedures apply as above with the following exceptions:

If injuries sustained in the crash are fatal, life-threatening or may result in great bodily harm, the district attorney's office will be contacted via telephone for consultation prior

to any charges being filed.

b) Sobriety Testing:

Standard Field Sobriety Tests (SFST's) shall be administered unless medical/age impairment exists. Alternative sobriety tests will be administered if SFST's are not appropriate.

c) DWI Required Paperwork

1. Arrest Report: An arrest report will be completed on each DWI arrest. The narrative section of the report should provide in detail the series of events that lead to the subject's arrest for DWI.
2. DWI Citation: A DWI citation and deputies statement, on a form approved by the State, will be completed on each DWI arrest.
3. Criminal Complaint: A Criminal Complaint will be completed on each DWI arrest. If this is a second or subsequent arrest, it must be annotated on the Criminal Complaint.
4. Intoxilyzer Report: A copy is given to the suspect, a copy is attached to the MVD paperwork and a copy is attached to the arrest report and forwarded to Records division.
5. Blood Kit Report: A Blood Kit Report, on a form approved by the State, will be completed on any DWI arrest where a sample of blood is drawn in addition to, or instead of, a breath sample.
6. If the subject has a valid, current New Mexico Driver's License in their possession, and the BAC was over .08 for drivers 21 years of age or older (.02 for drivers under the age of 21), or if the test is refused, the driver's license will be confiscated. The 'Notice of Revocation' will be provided to the offender.

d) Breath Testing Instrument Operation

- a) Only deputies that are certified to operate the breath testing instrument will perform any tests on subjects arrested for DWI.
- b) The subjects will be informed of the Implied Consent Act and a 20 minute deprivation period will be observed with no substances in their mouth.
- c) After the deprivation period time has expired, the subject will be requested to provide a sample of his breath, blood, or both. If the subject refuses, he will be advised of the consequences for refusing to submit to chemical testing of his breath.
- d) If the subject agrees to provide a breath sample, the certified operator of the breath testing instrument will conduct the test in accordance with the rules and regulations

established by the New Mexico Office of Health.

- e) After testing is completed, the subject will be provided with a copy of his results as soon as they are available to the deputy.
- f) Deputy will ensure that the required information is recorded in the Intoxilyzer Log Book.

e) Blood Testing

- i. If a subjects B.A.C. is low, and in the deputy's opinion is not consistent with his/her apparent level of intoxication, the deputy may ask to complete a blood test also to test for drugs. If subject refuses permission for blood test, a deputy will need a valid search warrant to compel subject to take the blood test.
- ii. If the subject sustained injuries as a result of the crash and in all likelihood will not be able to perform a breath test, a blood test will be requested.
- iii. If a blood test is performed, the person will be transported to a medical facility as needed and a blood kit approved by the New Mexico Office of Health shall be used. The process of withdrawing blood will be conducted in accordance with New Mexico statutes.
- iv. When a blood test is used, the Notice of Revocation will not be forwarded to MVD but will be maintained in the approved location until the results are returned from the blood test.
- v. Once the subject has submitted to a test(s) of our choosing, they may request a test of their own for independent testing. If a blood test is requested, the following procedures will be used:
 - 1. The subject will be allowed to contact a physician or nurse of his/her choosing by phone to make arrangements to meet to draw the blood.
 - 2. A standard blood kit approved by the state will be used regardless of who draws the blood.
 - 3. Once the blood is collected, the arresting deputy will complete an evidence form and a letter to the independent laboratory (kept in the same location as blood kits,) attach them to the blood sample, and place them in the designated location.
 - 4. The arresting deputy will complete and provide the suspect a copy of the evidence form as a receipt for the blood. The deputy will advise the subject of their responsibility to advise the Sheriff's Office which independent laboratory they wish the sample to be sent to.

5. Sobriety Checkpoints

Sobriety checkpoints are an established means of deterrence and public education and have withstood constitutional scrutiny when properly implemented. The effectiveness of a checkpoint should be measured by the reduction of alcohol related crashes and not simply by the number of persons arrested as a result of a checkpoint.

a) Guidelines For Sobriety Checkpoints

a) Role of supervisory personnel:

The selection of the site and procedure for conducting it must be made and established by supervisory law enforcement personnel rather than deputy in the field. This is essential to reduce the possibility of improper, unbridled discretion of the deputy who meet and deal with the motoring public.

b) Restrictions – no discretion of a Deputy:

It is important that the discretion of a Deputy be restricted. Automobiles should not be stopped randomly. It is wise to instruct deputy orally and in writing on uniform procedures to be utilized when stopping motorists. As nearly as possible, each motorist should be dealt with in precisely the same manner.

c) Safety:

The safety of the motoring public and the Deputy should also be given proper consideration. Safety measures aimed at warning approaching traffic, the degree to which the roadblock causes traffic congestion and whether the roadblock is set up on such a way so as to put the motoring public and deputy in unnecessary peril.

d) Reasonable Location:

The location of the roadblock is significant in determining the degree of intrusiveness and safety of the public and police.

e) Time and duration:

This factor also bears on the intrusiveness and effectiveness of the roadblock. Reasonableness is the standard.

f) Indicia of official nature of the roadblock:

The official nature of the roadblock should be immediately apparent. A deputy in the field should be uniformed; police cars should be marked; and warning or stop signs, and pylons are advisable. The roadblock scene should strike an appropriate balance to provide for high visibility at the roadblock, yet minimize the potential fear and apprehension to the public. In addition to being important for safety reasons, these indicia will reassure motorists that the stop is duly authorized.

g) Length and nature of detention:

The average length of time that a motorist is detained at the roadblock and the degree of intrusiveness should be minimized. This will avoid lengthy delays and traffic congestion. Initially, motorists should be detained only long enough to be informed of the purpose of the stop and to look into the vehicle for signs of intoxication. Where facts within the observation of the deputy warrant further investigation, the suspected motorists should be asked to pull into a separate testing area so as not to unreasonably inhibit the flow of traffic

h) Advance publicity:

The deterrence value of any roadblock and its reasonableness for sobriety checks will be enhanced if given widespread publicity.

b) Site Selection And Safety Considerations

- a) Selection of sobriety checkpoint sites must consider the safety of the public and all Sheriff's Office personnel involved in the operation. Locations selected must have maximum visibility to traffic from both directions with adequate safety lighting. In addition, sufficient adjoining space must be available to pull the suspect's vehicle off the roadway for further inquiry and testing if reasonable suspicion of DWI is developed. Alternate sites will be selected in the event that primary areas are unavailable. In order to conduct a sobriety checkpoint. The decision to set up a sobriety checkpoint, the selection of the site, and the procedures for conducting it must be and approved by the Sheriff or his designee prior to each occasion.
- a) To insure maximum safety precautions for the public and enforcement personnel, a sufficient number of warning signs, portable lights, traffic cones, and police cars with warning lights flashing should be utilized.

c) Notice To Public/Media

The public that precedes this operation serves to educate and inform the public of our enforcement efforts. The media attention is aimed at deterring the potential DWI offender. Advance notice to the public must be made. The date of the intended checkpoint is to be announced without disclosing the precise location.

d) Operational Procedure

1. Every vehicle is to be stopped.
2. The driver, primarily, is to be questioned since driving while under the influence of intoxicating alcohol or drugs is the purpose for the checkpoint.
3. The vehicle is to be detained for no more than approximately three minutes, unless reasonable suspicion exists that the driver is DWI or that another crime or violation has been committed by any occupant of the vehicle.
4. The occupants of the vehicle are to be told the purpose of the stop.
5. If traffic begins to back up creating traffic congestion, all of the stopped vehicles are to be waved through.
6. A driver will be allowed to continue after the initial stop unless the deputy develops, by observation, a reasonable suspicion that the driver is DWI or that another crime or violation has been committed by any occupant of the vehicle.
7. A typical checkpoint should last no longer than necessary to achieve its stated purpose.
8. Upon completion of a checkpoint operation, or soon thereafter, the supervisor will note the checkpoint activity and he or she will forward the reports to the Traffic Safety Grants Administrator and the Captain.
9. No deviations of these procedures are allowed without the express permission of the field supervisor.

SUBJECT: Patrol	NUMBER: 2-18.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 05-07-2018
NMMLEPSC STANDARDS: OPR.07.01, OPR.07.02, OPR.07.03, OPR.07.04, OPR.07.05, OPR.07.11, OPR.07.12, OPR.07.13, OPR.07.14, OPR.07.15, OPR.07.16	APPROVED: Sheriff

1. POLICY

This policy has been established to provide guidelines for providing general assistance to all persons utilizing highways and public thoroughfares. This includes giving information and direction, assisting motorists with stranded vehicles, enforcing traffic laws, taking action on highway hazards and dealing with hazardous materials. The intent of this order is to assist in providing for the safe and efficient flow of traffic and to ensure the public safety.

2. RULES AND REGULATIONS

A. Traffic Enforcement

- a) Local government employees, including Socorro County Sheriff employees, are not exempt from traffic laws even when the employee is operating a county vehicle.
- b) When an deputy observes a traffic violation, the deputy has the discretion to take one of these actions:
 - A. Issue a verbal or written warning.
 - B. Issue a traffic citation.
 - C. Make a custodial arrest.

These arrests normally should be limited to those which are required by law, necessary to protect the violator or the public from injury, or necessary to have a violator appear in court, or in cases of a violator's refusal to sign the citation.

- c) A uniform traffic enforcement policy does not preclude the exercise of the deputy's discretion. Discretion should be based on the seriousness of the violation and the action most likely to result in future compliance with the law.

B. Traffic Stops

Motorists and pedestrians shall only be subjected to stops, seizures or detention upon reasonable suspicion that they have committed, are committing, or are about to commit an infraction. Upon observation of a violation, deputies will stop the vehicle in a manner and location that minimizes danger to the violator, the deputy and the public.

- a) When checking out with a vehicle the deputy should relay the following information to dispatch
 - 1) location of traffic stop, direction of travel
 - 2) license plate number of vehicle
 - 3) description of vehicle
- b) The patrol vehicle should be parked safely behind the violator with emergency lights operating. Positioning of the vehicles should allow protection for the deputy from traffic approaching from the rear.
- c) During hours of darkness, the spotlight may be directed at the rear window of the violator vehicle. This is generally done to allow the deputy a better view of what is happening inside the violator vehicle.
- d) The Sheriff's Office recognizes that with experience, deputies may develop individualized approaches that they find work best for them in minimizing conflict during deputy/violator contacts. Given some better approach, the following is recommended, in the order specified below:
 - 1. When dealing with the violator, deputies interactions should be in positive and polite manner. Deputies should inform the violator of their name and why they were stopped. Describing the actions of the vehicle rather than personalizing the action to the driver tends to reduce tension, for example "I stopped you because I saw your vehicle come through the stop sign at that last intersection without coming to a complete stop" instead of "I saw you run the stop sign".
 - 2. It may defuse tension to ask a motorist if there was some reason for the violation. This gives them the opportunity to "have their say," often leads to an admission that the violator realized they were in violation, and precludes a defendant from offering a different excuse at trial. If you choose not to ask but the motorist wishes to give a reason or excuse, listen politely and give them ample opportunity to tell their story.
 - 3. After completing any necessary paperwork, inform the driver as to what action is being taken and what, if any, the person must do as a result, such as how to mail in any fine involved, see the judge, etc.
- e) Optional levels of enforcement may be utilized in incidents of:
 - a) Speed Violation
 - b) Hazardous violations other than speed
 - c) Public carrier/commercial vehicle violations

- d) Other non-hazardous violations
 - e) Multiple violations
 - f) Newly enacted laws and regulations
 - g) Pedestrian and bicycle violations
 - h) Violations in Traffic Crashes
 - i) Equipment Violations
 - j) Off road vehicle violations
 - k) Operating a vehicle with suspended or revoked Driving privileges
- f) Appropriate enforcement action should always be completed, generally in the form of a warning, citation, or arrest. The traffic citation form must be filled out by the deputy, fully and completely on the face. If this information can reasonably be ascertained by physical appearance or from the driver's license or other documents provided by the individual.
- g) No motorist, once cited or warned, shall be detained beyond the point where there exists no reasonable suspicion of further criminal activity, and no person or vehicle shall be searched in the absence of a warrant, a legally recognized exception to the warrant requirements, or the person's voluntary consent.
- h) In the absence of a specific, credible report containing a physical description, a person's race, ethnicity, gender or sexual orientation or any combination of these shall not be a factor in determining probable cause for an arrest or reasonable suspicion for a stop.
- i) Deputies should maintain a professional image, in a pleasant, firm and businesslike manner.
- j) Driver's license and insurance cards shall not be accepted until they are removed from a wallet, billfold or purse, which will be returned to the driver upon completion.
- k) The traffic stop should be completed as quickly as possible. If practical, a computer check shall be requested from communications on the driver.
- l) Upon completion of the traffic stop, deputies should return to their vehicles while maintaining a watch on the occupants of the stopped vehicle. Deputies should allow the violator vehicle to leave first to afford protection from oncoming traffic.

C. Special Circumstances In Traffic Enforcement

a) Non-Resident Violators

Non-resident violators should be treated the same as a resident violator. They will be allowed to sign the penalty assessment or sign to appear in court, as appropriate. Discretion on the part of the deputy should be used in issuing verbal warnings as opposed to written citations, just as with any violator.

b) Juveniles

- i. As provided in the New Mexico Children's Code, the Magistrate Court has original exclusive jurisdiction over all traffic code violations, with certain exceptions. However, if the Children's Court acquires jurisdiction over a child pursuant to any of the Motor Vehicle Code violations listed in the Children's Code, it shall have jurisdiction over all traffic violations alleged to have been committed by the child arising out of the same occurrence.
- ii. It is recommended that if a citation is written to a child under the age of fifteen (15), the deputy may have the parent or guardian co-sign the citation.

c) Legislators

Legislators will be treated the same as other violators with one exception: Immunity shall be granted for travel to, from and during current legislative sessions as is covered under the New Mexico State Constitution in Article IV, Section 13. "Members of the Legislature, in all cases except treason, felony, and breach of the peace, may be privileged from arrest during their attendance at the sessions of their respective houses and while going to and returning from the legislative house."

d) Military Personnel

Military Personnel will be treated in the same manner as other violators. The New Mexico Motor Vehicle Code has exempted any person in military service of the United States or who has been honorably discharged within thirty days from licensure when:

- a) They hold a driver's license of this state not more than six (6) years old which has expired while the holder was in service.
- b) They are stationed outside the geographical limits of this state.
- c) They are on leave from military service.
- d) Only while operating a motor vehicle in this state.

e) Foreign Diplomats/Consular Officials

1. When a Consular Official is stopped for a moving violation, the deputy, upon being advised by the driver that they are a Consular Official and ascertaining that they possess the proper credentials, should exercise discretion based on the nature of the violation and either dismiss the motorist with a warning or proceed with the appropriate enforcement. Mere issuance of a traffic citation does not constitute arrest or detention.
2. Driving While Intoxicated.
The primary consideration in this type of incident should be to ensure that the Consular Official is not a danger to himself or the public. Based upon a determination of the circumstances, the following alternatives are available:

- a) Contact a relative or friend to take custody of the official.
- b) Call a taxi for the official.
- c) Take the official to a secure environment.

3. Family members of a Consular Official cannot claim immunity.

D. Citations

- a) Deputies may give the violator the option to appear in court or sign the penalty assessment (The deputy must confirm whether or not the violation is on the penalty assessment list. If it is not on the list, the violator will be cited into court.)
 - 1. If the violator chooses to mail in the penalty assessment he/she should be advised that it must be mailed within 30 days. Deputies will ensure the violator has the correct address to use for mailing in the fine. If the violation is referred to Magistrate Court, the violator must be cited into court. Penalty assessments are applicable only for traffic citations.
 - 2. If the violator is cited into Magistrate Court, he/she will be cited in for the next court appearance date at the specified time.
- b) The deputy will ensure that the violator signs in the correct place prior to releasing the individual. If the violator refuses to sign a citation, the violator shall be given a second opportunity to sign the citation, being advised that the failure to do so will result in a custodial arrest. If the violator still refuses to sign the citation, an arrest will be made. The citation will reflect in the signature area REFUSED.
- c) If there are any witnesses to the violation, list the name, DOB, address, work/home telephone number, and place of employment for each on the back of the original citation in the "Remarks" section.
- d) Deputies will indicate a court date on the citation when it is issued, unless exigent circumstances exist, (i.e. The violator has been transported to the hospital, or there is some reason the violator cannot sign the citation).

E. Speed Violations

- i. In order to ensure that traffic safety goals and objectives are met, the Sheriff's Office uses speed measuring devices in traffic law enforcement.
- ii. Equipment used as speed measuring devices includes:
 - 1. Radar speed measuring devices determined to be in full compliance with standards of performance established by the Federal Communications Commission and the National Highway Traffic Safety Association.
 - 2. Laser Radar (lidar) speed measuring devices determined to be in full compliance with standards of performance established by the Federal Communications Commission and the National Highway Traffic Safety Association.

- iii. At the beginning and end of each shift, radar/lidar tests shall be conducted on radar/lidar units to determine accuracy and proper functioning.
- iv. If a radar/lidar unit fails any of the tests, is damaged or exhibits decreased range, it shall be removed from service immediately.
 - a) The radar/lidar unit will be turned in to the Captain to ensure that the radar/lidar unit is repaired.
 - b) A maintenance and calibration log will be maintained for the radar/lidar units. This log will include problems that have been encountered with the radar, when it was sent for repairs, when it was returned to the Sheriff's Office and any calibration that was done on the radar.
- v. No deputy shall utilize the radar/lidar unless they have been trained in its use.

F. Traffic Direction Procedures

a) General Provisions

1. Manual traffic direction is performed in emergency situations, traffic crashes, and at areas determined to be problem areas.
2. Deputies actively involved in manual traffic direction shall wear issued reflective vests.
3. Uniform hand signals shall be utilized and whistle techniques may be used by deputies to communicate understandable messages and directions to any driver or pedestrian on the roadway coming into or close to an area where an emergency situation, or any circumstance where deputies are using manual traffic direction techniques.
 - a) Deputies using manual traffic direction use open hand, stiff arm techniques for stopping traffic flow and continued traffic flow.
 - b) Deputies may indicate traffic signals with whistles along with hand gestures using the following method. If whistle techniques are used a long continuous blast is used to stop approaching traffic. Two short blasts in rapid succession are used to precipitate the beginning of movement, the continuation of movement or to indicate a turning movement.

b) Fire Scenes

In the event of a fire or other emergency, Sheriff's Office personnel direct traffic as conditions may require, in order to:

1. Expedite or direct traffic flow
2. Safeguard pedestrians and motorists
3. Safeguard emergency personnel, emergency operations and equipment

c) Adverse Roads and Weather Conditions

- a) During periods of adverse weather and road conditions, deputies provide traffic direction or assistance on an emergency basis, as needed.

G. Emergency Escorts

1. Deputies will not transport any victims of sickness or injury in a police unit unless authorized by the shift supervisor in consideration of existing conditions, gravity of the situation, and nature of the emergency. Ambulance service will be called for persons in need of medical treatment.

H. Funeral Escorts

All funeral procession escorts must be approved by the Sheriff or his designee.

1. No deputies shall exceed the posted speed limit while escorting a funeral.
2. No deputy shall drive in any manner so as to endanger the public while on escort duty.

I. Motorist Assistance

1. In event that the Socorro County Sheriff's Office needs a tow service at the scene of a stranded motorist or vehicle crash the deputy will contact NM State Police to request a tow truck. NM State Police maintains a tow rotation that is not in the control of Socorro County Sheriff's Office. The deputy will gather the vehicle information along with the name of the requestor, and NM State Police Dispatch will contact and dispatch a tow truck to the scene. The Socorro County Sheriff's Office does not maintain a tow service rotation schedule. If the motorist wishes to request a tow service of their choice, the motorists need to be told that this service will be paid for by them, the County does not pay the cost. The towing service utilized should be at the choice of the requestor. If the vehicle is a traffic hazard, the deputy should stand by until arrival of the towing service.
2. If the deputy is conducting a criminal investigation and will be seizing the vehicle in order to conduct a search warrant, the deputy will contact a shift supervisor for approval. The cost of the tow will be incurred by the owner of the vehicle.
3. In the rare event that a deputy may need to tow a vehicle for unforeseen circumstances that may cause Socorro County to be responsible for payment for the tow, a supervisor will be contacted. The supervisor will contact the Sheriff for tow approval to prevent possible procurement violations.

J. Emergency Assistance

1. In emergency medical situations, Sheriff's Office personnel shall normally render only

that degree of care necessary to sustain life(first aid), prevent or control shock, and/or prevent further harm based on the deputies level of training and abilities.

2. If first aid is necessary, the deputy should radio for an ambulance to respond while rendering first aid.

K. Hazardous Highway Conditions

At any time when one of the below hazards exists, the deputy shall request communications personnel to notify the proper agency. The deputy needs to advise communications personnel whether this hazard needs to be taken care of immediately or can wait until the beginning of the next business day.

- I. Traffic light in need of repair (this includes light out or not working properly);
- II. Traffic control device down (I.e., stop sign, yield sign, school crossing, etc.)
- III. Electrical power lines;
- IV. Large debris in roadway (if after hours, try to remove to side of road if possible);
- V. Breaks in water, gas or other utility mains;
- VI. Snow/Ice on roadway (to determine the need for some type of service);
- VII. Fire hazards needing attention;
- VIII. Defects in the roadway;
- IX. Street light(s) out;
- X. Dead animals/injured animals.

L. Hazardous Materials

- I. Hazardous Materials are defined as those substances, which in quantity or form, constitute an unreasonable risk to the health and welfare of the public. They fall into the categories of gases, liquids, explosives, oxidizers, solids, corrosives, poisons, and radioactive materials.
- II. The primary responsibility of the Socorro County Sheriff's Office at the scene of a Hazardous Material spill is containment, evacuation and/or crowd control. The New Mexico State Police should be contacted.

M. Temporary Traffic Control Devices

- A. Temporary traffic control devices such as portable stop signs, barricades, or traffic cones may be used at locations where traffic control is required responsibility for requesting these devices rests with the person in charge of the scene.
- B. The Sheriff's Office has authority to place and maintain temporary traffic control devices when necessary for regulating, warning, or guiding traffic on any public roadway.

SUBJECT: Crime Analysis	NUMBER: 2-19.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 05-07-2018
NMMLEPSC STANDARDS: ADM.11.01	APPROVED: Sheriff

1. **POLICY**

This written directive establishes crime analysis or public safety functions for the Socorro County Sheriff's Office. These functions include, but are not limited to, documents from which crime analysis and crime data are extracted, and identification of potential or actual police/citizens' concerns. This will include the documentation of the temporal (time) and geographical (location) distribution of crime statistics and distribution of crime analysis information, feedback and evaluation program.

2. **PROCEDURES**

1. General

All Sheriff's Office supervisors (Corporals, Detectives, Sergeants, and Captain) are required to attend a supervisors meeting once a month. This meeting will typically occur on the first Thursday of the every month at 1600 hours. The meeting will be set by the Captain. During this meeting the supervisors are required to report on criminal and traffic issues occurring within the county.

1. The Sergeant will be responsible for presenting statistics, trends and solutions to current criminal activity. The lead Detective will be responsible for the Detective Division.

2. Source Documents

The following source documents may be used to collect data for crime analysis:

- a) Offense/Crime reports.
- b) Field interview cards.
- c) Arrest reports.
- d) Supplemental reports.
- e) Other reports of record within the Sheriff's Office.
- f) Reports from other agencies.

2. Evaluation Procedures

- A. During the monthly meeting, the Supervisors are required to present written reports during this meeting to the Captain. These reports contain information as needed by the Sheriff's

Office, but includes at a minimum the following:

- A. Reports in relationship to crime patterns (time and location).
- B. Potential or actual citizens' concerns
- C. Any feedback on programs or initiatives that were enacted.

SUBJECT: Interview and Interrogations	NUMBER: 2-20.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 05-07-2018
NMMLEPSC STANDARDS: ADM.02.02, OPR.10.06	APPROVED: Sheriff

1. **POLICY**

It is the policy of the Socorro County Sheriff's Office to electronically record custodial interrogations and confessions in order to provide an evidentiary record of statements made by suspects of any crime. Such electronic recordings can help protect both the suspect(s) and interviewing deputies against potential assertions of police coercion or related interrogation misconduct, and may increase the likelihood of successful prosecution.

2. **DEFINITIONS**

- A. **Electronic Recording**, An audio or video recording whether using magnetic tape, digital means, or other recording media.
- B. An **interview**, as opposed to an interrogation, may be construed as any conversation with a suspect, witness, victim, or the individual.
- C. An **interrogation**, to paraphrase the Supreme Court, includes direct questioning (or its functional equivalent) about a crime or suspected crime, as well as any words or conduct on behalf of the police that may elicit an incriminating response from the suspect.

Deputies are reminded that an interrogation does not rely solely or exclusively on words: conduct can be the "functional equivalent" of asking questions.

- D. A person is in/under **custody** when a deputy tells him or her that he or she is under arrest. The functional equivalent of being in custody occurs when a reasonable person in the person's place would not feel free to leave, based on the totality of the circumstances.

3. **RIGHTS ADMONITION**

- a. In order to achieve uniformity in administering *Miranda* warnings, Law Enforcement Officers shall be issued cards with the *Miranda* warnings and waiver on them. Before custodial interrogation, deputies shall advise suspects of their rights by reading aloud from the card the following:
 - 1. "You have the right to remain silent."
 - 2. "Anything you say can be used against you in court."

3. "You have the right to talk to a lawyer for advice before we ask you any questions, and to have him present with you during questioning."
 4. "If you cannot afford a lawyer, the court will appoint one for you, free of charge, if you wish."
 5. "If you wish to answer questions now without a lawyer present, you have the right to stop answering questions at any time."
- b. After the warning, in order to secure a waiver, the deputy shall ask and receive affirmative replies to the following questions:
 - A. "Do you understand each of these rights I have explained to you?"
 - B. "Having these rights in mind, do you wish to talk to us now?"
 - c. After the rights have been read, understood, and the person wishes to waive them, the deputy will have the suspect sign the waiver of rights form. Deputies shall interrogate suspects only when they have knowingly and intelligently waived their rights. Deputies shall cease questioning whenever the suspect invokes the right to silence or requests the presence of counsel.
 - A. After the suspect has been charged, deputies shall not try to elicit incriminating evidence unless the suspect waives the right to counsel.
 - B. If a suspect, once in custody, requests counsel after being advised of *Miranda* rights, he or she cannot be interrogated again about the crime for which he or she was charged, or other crimes, or by any other deputies unless (1) the counsel is present during the interrogation or (2) the suspect himself initiates the interrogation. Deputies therefore cannot obtain a waiver under these circumstances unless the suspect initiates interrogation. If a suspect refers to counsel but his or her intentions are unclear, deputies may question the suspect further to clarify his or her intentions.
 - C. If the suspect is hearing impaired or non-English speaking, the interrogating deputy shall notify the on-duty supervisor and shall immediately arrange to obtain an interpreter.
 - d. Deputies will take care when advising juveniles of their rights to ensure that the rights are understood before obtaining a waiver. Deputies should honor a child's request to speak to a parent or guardian before waiving his or her rights. Whenever possible, the child's parents should be present while the child's rights are explained and the waiver obtained.
 - e. If a suspect has invoked his or her right to silence, deputies may interrogate the suspect if, after a passage of time, the suspect initiates communication with deputies. Before questioning, however, deputies shall administer *Miranda* warnings and shall obtain a written waiver.

4. VOLUNTARY CONFESSIONS:

The courts have provided Law Enforcement Officers with much latitude in interrogating suspects. If a suspect claims that he or she was coerced into confessing, the courts will examine the interrogation according to the totality of the circumstances. If interrogation methods appear to overcome the suspect's will, then the courts will find any resulting confession to be involuntary. If Law Enforcement Officers use trickery to obtain confessions, they must:

- D. Carefully assess the suspect's background, age, education, mental impairment, and physical condition to determine vulnerability to coercion; and
- E. Coupled with the background characteristics, choose an appropriate mix of interrogation tactics and environmental factors to convince the suspect to confess without overbearing the suspect's will. **Note that *Miranda* warnings would have been given before the interrogation takes place, in most instances.**

5. EXEMPTIONS OR SPECIAL CASES:

E. *Miranda* warnings do not apply to the following situations which are non-custodial. This list is not all-inclusive:

1. Brief on-scene questioning;
2. Identification procedures such as fingerprinting, conducting a line-up, sobriety tests;
3. Volunteered, spontaneous statements (Once the deputy has heard the suspect express spontaneous incriminating statements, the deputy shall then advise the suspect of *Miranda* rights and obtain a waiver before undertaking additional questions.);
4. Brief investigative detention or stop/frisk;
5. Roadside questioning during routine traffic stops, including DWI stops until custodial interrogation begins;
6. Routine booking questions attendant to arrest;
7. Questioning by private persons.

F. Public safety exception:

When a deputy urgently needs information from a suspect because lives are in imminent danger, deputies may delay giving *Miranda* warnings until the deputies have received information sufficient to dispel the emergency. **Deputies are advised that a genuine, life-threatening emergency must exist.**

6. DOCUMENTATION REQUIREMENTS:

- A. Deputies shall document the circumstances surrounding the conduct of interrogations and the recording of confessions. Required information includes but is not limited to:
- i. location, date, time, duration of the interrogation;
 - ii. identities of the deputies present;
 - iii. *Miranda* warnings given, the suspect's responses, and any waivers provided; and
 - iv. the nature and duration of any breaks or lapses during the interrogation and the reasons for them.
- B. Video or audio tape recordings shall be treated as evidence and handled accordingly. Before the tapes are stored as evidence, a duplicate shall be made and likewise treated as evidence, the fact of it being a duplicate should be clearly noted on all paperwork.

7. PROCEDURES

A. General Requirements

- a) Deputies shall record all custodial interrogations in accordance with NMSA 29-1-16.
- b) Deputies are not required to record noncustodial interviews with suspects, witnesses, or victims during the initial interview phase of an investigation but may do so where deemed necessary, in accordance with law and Sheriff's Office policy.
- c) Electronic recording of juveniles shall be conducted if at the time the crime was committed, the juvenile suspect could be charged with a crime as an adult.
- d) If electronic recordings cannot be conducted due to equipment failure, lack of suspect cooperation, or for other reasons deemed pertinent to successful interrogation by the case manager, the basis for such occurrences shall be documented. This includes but is not limited to spontaneous declarations or other statements not elicited by police questioning.
- e) Transporting deputies need not refrain from questioning a suspect who has indicated a willingness to talk either at the scene or enroute to the place of detention. However, deputies shall not purposefully engage in custodial interrogations involving crimes in order to avoid this Office's requirement for electronic recording.

B. Recording Protocol

- i. Suspects do not have to be informed that they are being recorded unless required by law.

ii. The prosecutor, the investigative case manager, or other authorized Sheriff's Office official may direct that any interview or interrogation be recorded that do not meet the criteria for recording as defined by Sheriff's Office policy.

iii Interrogations and confessions shall be recorded in their entirety starting with the interrogator's entrance into the interview room and concluding upon departure of the interrogator and suspect.

- a. When commencing the recording, the primary interrogator shall ensure that voice identification is made of Sheriff's Deputies, suspect, and any others present, and that the date, time, and location of the interrogation is verbally recorded. When beginning a new recording, the interviewer shall announce the date and time that the interrogation is being resumed.
- b. Each recording shall include the following:
 - A. Declaration of the date and time the recording began.
 - B. Administration of *Miranda* warnings as required.
 - C. Notation of the time the interrogation ends.
 - D. Names of everyone present during interview.
- c. Any lapse in the recording for comfort breaks or other reasons shall be accounted for on the recording. As an alternative, during a short recess, the recording may continue without interruption.
- d. Recording attorney-client conversations is prohibited where an expectation of privacy would reasonably exist.
- e. Recordings of interviews are considered evidence and shall be handled as such. All recordings shall be governed by this Office's policy and procedures for the handling and preservation of evidence.
- f. Recordings shall be retained by the Sheriff's Office in secure storage for a period of time as defined by state law or the Office of the prosecutor.

C. Interview and interrogation room requirements

- I. Suspects will be under constant monitoring while in the interview/interrogation room. Monitoring may be in person or video camera.
- II. There should be two deputies present during the interview/interrogation.
- III. Deputies are required to ensure that suspects are thoroughly searched before the interview/interrogation. Even if the suspect has already been searched by another deputy the interviewing deputy may conduct another search.

- IV. Deputies shall search the interview/interrogation room prior to the suspect being placed in the room.
- V. Deputies are permitted to bring their firearms into the interview/interrogation room, provided the firearms are secured on the deputies person. Firearms will not be displayed to the suspect except in certain situations that require that firearms be shown to a suspect for the purposes of identification. Firearms will not be shown as a means to gain compliance or confessions.

SUBJECT: Mental Pick-Up Orders	NUMBER: 2-21.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 05-07-2018
NMMLEPSC STANDARDS:	APPROVED: Sheriff

I. POLICY

Sheriff's Office shall provide an effective response to situations involving subjects who are suspected and/or verifiably mentally ill, and/or people in crisis in order to avoid unnecessary violence, and to ensure that proper medical attention is provided.

II. RULES AND REGULATIONS

a) Alcoholic and Mental Pick-Up Orders

1. These orders come from the District Attorney's Office. They are all signed by a district court judge, and direct the Sheriff to pick up the named subject and transport them to a designated facility.
2. Two deputies will pick up the alcoholic or mentally ill individual and transport him/her to the designated facility. Both deputies will remain at the facility for the required amount of time as stipulated in the deputies will render assistance as long as necessary. The subject, when being transported, will be handcuffed and seat belted in the proper position in the patrol vehicle.
3. Not all orders require the deputies to remain at the facility for a stated period of time. In some instances, the subject is taken to a secure area and the deputies are free to leave.
4. The preceding guidelines are intended to be only guidelines. Situations which require two deputies should always be strictly adhered to for the safety and welfare of the deputies and those of the defendants/subjects. The guidelines which state who should be served should also be closely followed.
5. Each situation should be handled on an individual basis. The guidelines are not a substitute for state statutes and will change if the statutes change.
6. Assigned deputies will check the below listed resources and data banks for each proposed client prior to service of the order:
 - VI. SCSO Records
 - VII. N.C.I.C.
 - VIII. SCDC

7. Hopefully, this data will provide the deputies with greater knowledge of the client and therefore enhance Sheriff's Office safety principles.

8. Deputies will not permit family members, petitioner(s) or other citizens to enter any residence of a proposed patient/client for the purposes of affecting an order.

b) Emergency Mental Health Evaluation

A. A document signed by a physician which authorizes a law enforcement Officer to pick-up a person for an emergency mental health evaluation. The document will specify the facility where the person must be taken.

B. This pick-up order is valid for (72) hours from the date and time the physician initiates the order.

C. The date and time of origin must appear on the face of the order.

D. The order must be signed by a physician/psychologist.

E. The deputy and/or supervisor must verify the authenticity of the order. This can be accomplished by speaking with the doctor or a staff representative with regard to the client and pick-up order.

F. The Socorro County Sheriff's Office will not transport clients/patients from one medical facility to another on this order.

G. Deputies will transport patients to the stated medical facility and turn the patient over to the medical staff. Deputies are under no obligation to stand by with the patient at the facility until the evaluation is completed. Deputies will not transport the patient to any other location if the facility does not accept or admit the patient.

H. It is the ordering doctor's responsibility to ensure that the named medical facility has available bed space for the patient.

I. Personnel will not accept an evaluation order if the doctor has not signed the order and/or if the date of origin of the order is missing or is expired. Additionally the client's name, date of birth and social security number must appear on the evaluation order.

J. If any order is ambiguous and/or incomplete, supervisory personnel will be immediately notified.

K. These orders are valid only within Socorro County.

L. Assigned deputies will check the below listed data banks for each proposed client/patient prior to service of the order:

1. SSCO Records

2. N.C.I.C.
3. SCDC

M. Deputies will not permit family members, petitioner(s) or other citizens to enter any residence of a proposed patient/client for the purpose of affecting an order.

SUBJECT: Records	NUMBER: 2-22.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 05-07-2018
NMMLEPSC STANDARDS: ADM.26.01, ADM.26.02, ADM.26.03, ADM.26.04, ADM.26.05, ADM.26.06, ADM.26.07, ADM.26.08, ADM.26.09, ADM.26.11, ADM.26.12	APPROVED: Sheriff

1. **POLICY**

It is the intent of this policy to establish and maintain a system for the orderly maintenance, preservation and release of records regularly maintained by the records section of the Socorro County Sheriff's Office as part of normal Sheriff's Office operations.

2. **REPORTING REQUIREMENTS**

A. Deputies are required to complete the following reports in the sheriff's Office records management program, which will be approved by a supervisor, then submitted to records.

- XIV. Offense reports
- XV. Information reports
- XVI. Supplemental
- XVII. Traffic crash
- XVIII. Arrests
- XIX. Intelligence reports
- XX. Protective Custody
- 8. Animal bite reports (information)
- 9. Towed vehicle

1. Citizens of Socorro County have a right and a responsibility to report crimes to the sheriff's Office. Citizens have a right to file a formal complaint against deputies who fail to handle citizens' concerns.

2. A deputy will respond to all calls for service and take proper action or investigate all leads to ensure whether a crime has been committed. (Deputies will not refuse a call for service.) All calls will be answered in a timely manner.

3. Supervisors will ensure all reports, facsimiles, and additional information is forwarded to the detectives in a timely manner.

4. Records that need to be delivered to an outside agency, for example, CYFD, District Attorney's Office, Magistrate Court, NM SP Dispatch, or others will be compiled by the Detectives and distributed in a timely manner to the appropriate agency.

5. All reports will be typed into Sheriff's Office records management system and will be approved by a supervisor and submitted as a record.
6. The Administrative Assistant will submit a copy of all crash reports to Santa Fe as required.
7. The Administrative Assistant will be responsible for filling and maintaining reports, facsimiles and any other documents submitted to records.

3. **COMPUTER RECORDS SYSTEM**

1. Deputies have 24-hour access to the Sheriff's Office records system.
- B. The Sheriff's Office computer records system automatically flags juvenile arrest reports so they are not filed with adult offenders.
 - A. The Sheriff's Office computer records system maintains an alphabetical master name index which cross references all documents in which a person has been named.
 - B. The Sheriff's Office records management program will assign a unique number (incident or case number) to each incident that is reported to the Sheriff's Office.
- C. The computer records system will maintain the following:
 - C. Incidents by type
 - D. Incidents by location
 - E. Stolen, found, recovered and evidentiary property files
 - F. Record of call file
 - G. Arrest files
 - H. Addresses/locations
 - I. Crashes
 - J. Citations
 - K. Personnel data sheets
 - L. Automated numbering system for incident files

A. **RECORDING ARREST INFORMATION**

- B. Each arrest will be submitted into the computer records system under the appropriate case number.
- C. The computer records system automatically generates a criminal history for each person arrested.
- D. Each person arrested will be fingerprinted and photographed by jail personnel on all felonies, misdemeanor and on all warrants where the original charge is a felony or

misdemeanor.

A. RECORDS SECURITY

1. Original records

All original records will be scanned into the PTS Records Management System. Once it is confirmed that the documents are in the system the original documents will be shredded. When personnel need reports for court or other purposes, copies will be provided by records personnel. Records released to the public under these sections will similarly be done by copy. In order to maintain the integrity of the computerized records, only authorized employees have access through the use of user names issued by Socorro County IT.

2. The Records Office door will remain locked at all times, establishing controlled access. Only authorized personnel are allowed in the records Office.
 - a) The public will interact with records personnel through the window in the lobby.
 - b) The records storage room will remain locked after hours or when no records personnel are in the Sheriff's Office.

B. SEALED AND EXPUNGED RECORDS

A. Procedures

1. The individual requesting a record/file be sealed or expunged must have the case evaluated by district court or other court having jurisdiction. The same procedures are followed for adult and juvenile records/files.
2. Once a copy of the original court order has been received the following steps will be taken:
 1. All paper work specified by the court order is placed in a manila envelope along with a copy of the court order. Any copies of the arrest paperwork that have been placed in the criminal incident report are also placed in the manila envelope.
 2. The criminal incident report associated to the arrest being sealed is stamped "confidential" and a copy of the district court order is placed in the criminal incident report folder.
 3. A notation is marked in the computer indicating the record/file has been sealed. The original arrest charge(s) is replaced to reflect the charge(s) "Sealed by district court order". The original statute number(s) is replaced to reflect 88-88-88, indicating sealed.
 4. The sheriff's Office records division will send a letter to district court within thirty (30) days stating all records/files have been sealed in compliance with the

court order. A copy of the letter is sealed in the manila envelope along with the original records.

5. The original sheriff's Office records that were ordered sealed, along with the compliance letter will be physically placed inside of a manila envelope. The flap to the envelope will be sealed and then taped. The initials of the records clerk sealing the record/file will be written over the taped seal.

6. A notation will be made on the outside of the manila envelope "DO NOT OPEN PER COURT ORDER".

7. The copy of the court order is taped to the front of the manila envelope containing the sealed documents.

8. The sealed record/file is maintained by the records section, separately from all other arrest files. This file will remain sealed without public access until the "sealed order" is removed by the Governor.

B. Sealing the fingerprints and criminal histories:

B. Once the order has been received and the record/file has been sealed, the State of New Mexico and FBI must be notified to have the record removed from the individual's criminal history (rap sheet).

C. A letter is sent to the Department of Public Safety in Santa Fe and the FBI in West Virginia stating an order has been received to have a record/file sealed. The letter is to contain the name, date of birth, social security number, arrest date, arrest charge(s), of the individual whose record/file has been sealed and a copy of the court order.

C. If there are any specific instructions regarding the sealing of the record or file outlined in the court order, the instructions in the court order will supersede our policy and will be followed.

C. **PUBLIC RECORDS AND RETENTION SCHEDULE:**

A. The sheriff's Office will follow the legal requirements for the County of Socorro New Mexico for the retention of records.

B: During posted business hours of the records section. Copies of "public records" may be purchased by the public pursuant to the posted fee schedule. All records contained in case files maintained by the records section are considered public records by law and may be inspected by any person, or copies obtained pursuant to law. Adjunct records are not maintained by the Socorro County Sheriff's Office, they are maintained by the NM State Police Dispatch Center. Therefore request for adjunct records will be referred to the NM State Police Dispatch Center.

- C. Laws of the State of New Mexico provide that certain records are closed to public access and review. Records will be made available to the public in accordance with state statute 14-2-1 NMSA.
- D. Inspection process - Based on the legal significance of police records and to preserve the integrity of the record(s), original records will not be removed from the records section. Persons wishing to inspect public records may do so either in the presence of a records section clerk or by purchasing copies.

SUBJECT: Communications	NUMBER: 2-23.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 05-10-2018
NMMLEPSC STANDARDS: ADM.25.01, ADM.25.02, ADM.25.03, ADM.25.04, ADM.25.05, ADM.25.06, ADM.25.07, ADM.25.08, ADM.25.09, ADM.25.10, ADM.26.10, OPR.12.02	APPROVED: Sheriff

A. POLICY

Effective communication in the operation of the Sheriff's Office is a vital element of Law Enforcement and plays an important role in Officer safety. All radio transmissions through NM State Police Dispatch are recorded and improper radio usage is grounds for disciplinary action. It is imperative that all employees conduct themselves as professionals while utilizing the communications system. This order is intended to ensure that every step is conducted in an effective, proper and professional manner.

I. SHERIFF'S OFFICE/DEPUTY RESONSIBILITY

B. Each member of the Sheriff's Office shall notify communications personnel when their status changes (i.e., traffic stops, arrival at a scene, completion of assignment, etc.). When doing so, the information brief. If the need arises for extended information a telephone will be used or come to the Sheriff's Office.

C. Personnel shall be impersonal on the air. Jokes, wisecracks, or voice inflections that reflect or indicate irritation, disgust or sarcasm shall not be used.

D. When the dispatcher calls any unit, the unit will promptly respond with his/her unit number and location. This shall not be required of Command Staff.

E. Deputy's shall not engage in debates or argue with the dispatcher concerning an assignment. Conflicts of this nature are routed to the employees' immediate supervisor who clarifies the issue to the best of their ability.

F. When checking out at a business, always give a street address if possible.

G. Deputies investigating incidents who find that the location or nature of the call is different from that originally dispatched are to notify the dispatcher of the correct information.

H. Deputies should listen to make sure the frequency is clear before transmitting.

- I. The on-duty supervisor will assign the number of deputies to respond to an incident.
- J. On-duty supervisor will respond to any major incident for the purpose of assuming command.
- K. All members of the Sheriff's Office with a need have a unique number assigned for radio communications and will utilize this number when calling dispatch. Units should not continue transmission until acknowledged by the dispatcher.
- L. Transmissions regarding emergency situations, pursuits, and serious crimes in progress shall be given priority over all other transmissions. Units not involved in the emergency situation shall stay off the radio until the situation has been resolved.
- M. Units not involved in the emergency situation will limit radio communications to emergency use only.

IV. MAINTAINING A WARRANT AND WANTED PERSONS FILE

- A. Warrants are obtained from the following:
 - 1. Federal Court
 - 2. District Court
 - 3. Magistrate Court
 - 4. Municipal Court
- I. NMSP Dispatch will enter the warrant into NCIC
- II. Information received from other jurisdictions on warrants will be verified by teletype. Upon service of warrant a faxed copy will be received from originating jurisdiction.
- III. The notification/cancellation form will be signed by the arresting deputy or communications operator. The communications operator will remove the warrant from NCIC.
- IV. When the communications operations receive information from a law enforcement Sheriff's Officer, they will verify all identifiers available before an arrest is made.
- K. Deputies have 24 hours access to the warrant list, NCIC information.

SUBJECT: Organized Crime and Vice Control	NUMBER: 2-24.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 05-11-2018
NMMLEPSC STANDARDS: OPR.03.01, OPR.03.02, OPR.03.03, OPR.03.04, OPR.03.05, OPR.03.06	APPROVED: Sheriff

A. STATEMENT OF PURPOSE

The responsibility for drugs and organized crime investigations rests with members of the criminal investigation section of the sheriff's Office.

B. DEFINITIONS

1. Criminal Investigations may involve prostitution, illegal use/sale of alcoholic beverages, and the distribution/sale of obscene and pornographic materials.
2. Drugs: focuses on the distribution/sale of illegal and controlled substances.
3. Organized Crime: address unlawful activities by members of organized groups or associations engaged in or promoting extortion, theft, fencing, loan sharking, labor racketeering, or other offenses for profit, or engage in supplying illegal goods and services-prostitution, drugs, liquor, weapons or other unlawful conduct that may include intimidation or corruption.

C. PROCEDURES

- A. When information is received from any source, the information will be forwarded to the detective supervisor. The information will be assigned to a detective. All investigations will be documented.

The Sheriff will be kept informed of any activity regarding prostitution, illegal use/sale of alcoholic beverages, and the distribution/sale of obscene and pornographic material, drugs or organized crime investigations.

1. All detectives assigned narcotics investigations will be trained in field testing of various suspected narcotics.
2. The detective assigned to the case will be responsible for testing all narcotics placed into evidence.
3. Information determined to be necessary for patrol operations is disseminated to shift supervisors as soon as possible.

V. SURVEILLANCE EQUIPMENT

A. The Sheriff's Office maintains specialized equipment that can be used to support special investigations.

B. Specialized equipment includes, but is not limited to:

1. Visual monitoring equipment;
2. Surveillance vehicles;
3. Audio transmitters and recorders;
4. Portable radios;

L. SURVEILLANCE OPERATIONS

A. Organized surveillance operations may be conducted in the normal course of an investigation.

B. When an investigator believes that surveillance would aid an investigation, he/she will contact his/her supervisor with all pertinent information.

C. Personnel are responsible for analyzing victims, crimes and locations to determine necessary facts to enhance the likelihood of success for the operation. Identifying and analyzing suspects may be accomplished by reports, intelligence information, and patrol observation.

D. Deputies should familiarize themselves with the target area when possible. Items of importance could be location and type of buildings street layouts type of populations and size of the area.

E. The following equipment should be available:

1. Weapon(s);
2. Handcuffs;
3. Portable radio(s); and
4. Law Enforcement insignia.
5. Audio or video recording device

F. For an extended operation, the supervisor should provide an adequate relief schedule and food for deputies.

VI. UNDERCOVER OPERATIONS

D. When undercover operations are conducted a case number will be assigned to the operation for recording purposes.

E. Informants, citizen complaints, intelligence information, patrol observations and other information sources are used to identify and analyze suspects.

- F. Undercover contacts may be made using an informant who introduces the suspect to the undercover deputy. The deputy can then frequent areas where the illegal activity takes place. When possible, other deputies should become familiar with the neighborhood or target area before the operation takes place. No undercover deputy will conduct undercover operations without notifying a supervisor first.
- G. A deputy may be provided with alias identification when necessary. The detective supervisor maintains all records on alias identification and is responsible for release of any information in that regard
- H. The detective supervisor determines what safeguards should be established for the particular operation.
- I. Sheriff's Office personnel should not approach, or in any way identify an undercover Law Enforcement Officer as a deputy sheriff in the event of contact.
- J. If any Sheriff's Office employee becomes aware of an undercover operation or the identification of any deputy involved, they will not discuss any information obtained unless specifically asked by a supervisor.
- K. The detective supervisor determines the amount of supervision necessary for the operation. This decision is based on type and length of the operation number of personnel involved and experience/training of personnel.
 - 1. Specific operational procedures for arrests are determined by the detective supervisor. This includes coordination of arrests, providing for adequate backup deputies and for the collection of evidence.
 - 2. The district attorney should be consulted on legal ramifications arising from the operation.
 - 3. During the course of an operation all records will be maintained separately from central records.
- E. Prior to an undercover operation beginning, the detective supervisor will ensure that any undercover deputy has met minimal standards of training including firearms qualifications, use of force, search and seizure, field testing of narcotics, criminal law and courtroom testimony as set by Sheriff's Office policy.
- F. The detective supervisor will ensure that the Sheriff is kept abreast of any developments by reporting on a regular basis.

VII. RAID OPERATIONS

- A. Raid operations may be defined as the execution of any search warrant, service of arrest warrants in a high risk situations or the execution of arrest warrants as the result of undercover operations. The Sheriff will authorize the use of force in raid operations (i.e.,

use of tactical response team for entry).

B. The case investigator is in charge of on-scene operations and is responsible for conducting a briefing for the purpose of making position assignments and informing participants of any potential hazards, etc.

C. Strategies for the raid should include, but not be limited to:

III. Specific personnel assignments to cover all entrances and exits from the target area.

IV. Specific personnel assignments for the entry team and for suspect security.

V. Specific information such as target address, suspect information and proper radio channel is known to all raid team members.

B. All members of the entry raid team shall wear protective body armor, insignia which clearly identifies them as a deputy sheriff and a weapon. Other equipment which should be readily available includes:

1. Handcuffs;
2. Portable radios;
3. Audio or video recording device;
4. Specialized equipment.

V. When entry has been made, designated deputies will receive specific areas to search depending on the scope of the warrant. All contraband and evidence is secured by a designated evidence Custodian. Search team members use reasonable care to minimize property damage.

VI. New Mexico State Police Dispatch is made aware of the location and participants.

VII. When executing warrants in another jurisdiction, the appropriate law enforcement agency is contacted for assistance.

VIII. Once the entry team announces their intent and there is no response within a reasonable amount of time or the team believes evidence is being destroyed, the team is authorized to use reasonable force to gain entry. If the suspects resist, deputies are authorized to use reasonable force to protect themselves or others from death or serious injury.

IX. If a deputy, suspect or other person is injured, medical aid is summoned as soon as possible. The detective supervisor is notified and appropriate documentation of the incident is made.

X. All suspects are brought to a specified area and secured by the cover team. The suspects are provided with a copy of the search warrant. Arrested persons are transported to the Socorro County Detention Facility, or other designated detention facility.

VIII. FORFEITURES OF SEIZED PROPERTY

Seized property that is subject to forfeiture is pursued in accordance to federal and state law.

- A. Forfeiture cases are filed through the district court or federal courts. Forfeiture documents are completed by the assigned investigator and filed by the investigator.
- B. The completed forfeiture documents are submitted for supervisory approval. A copy is maintained with the case report while the original is submitted to the district attorney or the federal agency assisting in the investigation.
- C. The seized property is held by the property room pending final disposition by the court.
- D. Sheriff's deputies can approach all individuals at a scene and request that a voluntary disclaimer of interest and ownership be completed, when the owner cannot be identified.
- E. The executive secretary is responsible for monitoring the proceeds from forfeited assets.

SUBJECT: Mutual Aid	NUMBER: 2-25.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 05-11-2018
NMMLEPSC STANDARDS: ADM.14.01	APPROVED: Sheriff

b) POLICY

It is essential that the Sheriff's Office maintain a good working relationship with other law enforcement agencies, both adjoining and within the Sheriff's Office's jurisdiction. Agreements between these agencies to provide assistance to each other in the event of natural disaster, mass disorder, or other emergency situations must be established before the need for the mutual assistance arises. The purpose of this section is to establish procedural guidelines that ensure the positive cooperative efforts of all agencies involved.

c) AGENCY JURISDICTION

The boundaries and limits of Sheriff's Office jurisdiction include all areas within the County of Socorro except for the corporate limits of the municipalities within the County of Socorro.

An official county map detailing the county boundaries is maintained in the New Mexico State Police Dispatch Center. In the event a question arises in regards to any specific boundary of the County of Socorro, a prevailing official county map is maintained at the Socorro County GIS.

1. CONCURRENT JURISDICTION

The New Mexico Department of Public Safety has concurrent jurisdiction within the County of Socorro and as such, may from time to time, investigate activities.

2. ASSISTANCE FROM LOCAL AGENCIES

A. Emergency situations may require augmented law enforcement capabilities to restore order and assist victims. During this type of event, a supervisor or his/her designee has the authority to request assistance from, or provide to, any law enforcement agency.

C. There are generally three levels of mutual aid assistance as follows:

1. Short duration—less than one hour where an additional show of force, traffic control or prisoner transport is required.
2. Medium duration—one to three hours, where the on-duty supervisor may request from, or provide to, the neighboring agency assistance. This assistance should normally be in a showing of force, traffic control or prisoner transport.

3. Long duration—more than three hours or where full scale assistance may be required. The on-duty supervisor should notify the Sheriff through the chain of command.

D. Any long-term support between agencies should be coordinated in advance by the Sheriff.

VI. REQUEST FOR FEDERAL LAW ENFORCEMENT ASSISTANCE

- A. In cases where the involvement of a federal law enforcement agency is mandated by law, such as a bank robbery, it will be the responsibility of the detective supervisor or his designee to ensure that proper notification is made.
- B. Request for federal law enforcement assistance in emergency situations is generally made through the Sheriff who contacts the appropriate federal agency without undue delay. The Sheriff should convey the following:
 1. The type of problem or circumstance requiring federal assistance;
 2. Details pertinent to the problem or circumstance; and
 3. The types of assistance or resources required and, if known, the length of time it is anticipated the assistance will be needed.
- A. Requests for federal law enforcement assistance in situations other than an emergency shall be made in writing under authority of the Sheriff. The Sheriff should convey in writing the following:

III. The type of problem or circumstance requiring federal assistance;

IV. Details pertinent to the problem or circumstance; and

- V. The types of assistance or resources required and, if known, the length of time it is anticipated the assistance will be needed.

A. REQUEST FOR NATIONAL GUARD ASSISTANCE

1. Requests for state or federal assistance, including activation of the New Mexico National Guard or other military forces, shall be made by the Sheriff, or his designee.
2. The request for assistance should include the following:
 - D. The nature of the emergency or disaster;
 - E. That a state of emergency has been declared by the county manager;
 - F. That the available resources for the County of Socorro are insufficient to handle the emergency; and
 - G. The types of assistance needed from the state and federal agencies and the length of time it is anticipated the assistance will be needed.
- H.

SUBJECT: Liaison with other Agencies	NUMBER: 2-26.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 05-11-2018
NMMLEPSC STANDARDS: ADM.15.01, ADM.15.02, ADM.15.03	APPROVED: Sheriff

d) POLICY

It is the policy of the Sheriff's Office to establish and maintain a positive working relationship with other agencies. The guidelines set out herein should assist employees in maintaining open communication and cooperation with other agencies not only within the criminal justice system, but in the realm of social services.

e) RESPONSIBILITIES

- I. All employees of the Sheriff's Office are reminded that they work for the public and they are responsible to protect and serve in all areas of public safety.
- II. Employees often encounter people who are in need of services from one or more of the local social service agencies. Although these problems may not be of a criminal nature, employees are obligated to make every effort to determine the needs of the individual and assist in obtaining help.
- III. Because all criminal justice and social service agencies must work together, each employee is responsible for acting in a courteous and professional manner when in contact with other criminal justice and social service agencies.

1. REFERRALS

- E. Sheriff's Office employees, in the course of performing their duties, often encounter people in need of a type of help best provided by another criminal justice agency or a social service agency.
- F. All deputies are expected to be familiar with the application of New Mexico State Law as it applies to problems arising within the community. In dealing with problems presented to the deputy, the determination of whether the problem is of a criminal nature or of a social or civil nature is made by the deputy.
- G. Referrals to other agencies should be based upon specific criteria:
 - A. Nature of the problem;
 - B. Type of help or remedy required;
 - C. Identification of the agency best suited to provide the necessary remedy.
 - A. Juvenile problems should normally be referred to and handled by either, children,

youth and families, the juvenile probation and parole Office, juvenile corrections or the Office of human services.

- B. Problems of an adult criminal nature should be handled through either the district attorney's Office or adult probation and parole Office, adult corrections or other law enforcement agencies having concurrent authority in the agency service area. The determination which Sheriff's Office is to be referred to should be based on the type and degree of the crime.
- C. Problems which are determined to be of a civil nature should be referred to either magistrate court or district court.
- D. Issues which could be deemed a social problem should be referred to a variety of services and resources which are available in Socorro County. Employees should maintain a working knowledge of the available services and resources in order to expedite the referral process.
- E. At times, a situation may require a Sheriff's Deputy to transport individuals to a social service agency, arrange for transportation or arrange for a representative of the agency to come to their location. In these situations, employees should cooperate fully with all social service agencies, if possible.

The sheriff's Office may also have situations which may require deputies to make referrals to other law enforcement and fire rescue agencies, adult probation and parole, juvenile probation and parole, human services, local emergency medical service and any other agency deemed necessary to accomplish the situation at hand.

SUBJECT: Inspectional Services	NUMBER: 2-27.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 05-11-2018
NMMLEPSC STANDARDS: ADM.20.01	APPROVED: Sheriff

a. POLICY

The purpose of this policy is to establish guidelines for maintaining organizational control within the Sheriff's Office through line inspections. Each supervisory level within the Sheriff's Office is required to exercise supervisory control through frequent and routine inspections.

b. DEFINITION

Line inspection is defined as an objective and purposeful observation and evaluation of an activity, event, equipment or personnel within the direct chain of command of the inspecting supervisor.

c. PROCEDURES

1. Line Inspections

- a. Routine line inspections are used to ascertain compliance with Sheriff's Office policy regulating dress code, weapons, ammunition, equipment and vehicles. Supervisory personnel shall use the appropriate approved forms when conducting a line inspection. The following forms are approved for line inspections:

- I. Vehicle/Equipment Inspection Form
- II. Daily Observation Report (Recruit)

- b. Completed inspection sheets shall be forwarded to the Captain for review.
- c. Sergeants shall conduct inspections of activities of uniformed personnel.
- d. Training Officers (FTO) shall conduct daily, documented inspections of recruits whom they are training to insure the recruits are being properly instructed in the use, care and maintenance of equipment and uniforms.
- e. Deficiencies that cannot be immediately corrected are subject to re-inspection within seven (7) days. Upon re-inspection, if the deficiencies still exist, the inspecting supervisor shall submit a memorandum to his/her immediate supervisor.

B. Staff Inspections

- A. Staff inspections may be both formal and informal. Staff inspections are not an

inspection of the staff members themselves, but an inspection of areas under their control and provided as a management tool.

- B. The primary concern of staff inspections is to determine if established policies/procedures are being followed and in compliance with applicable accreditation standards is being maintained, not that a particular person may be performing improperly.
- C. Personnel are assigned by the Sheriff and have full authority to discharge the duties necessary to conduct staff inspections.
- D. Deputies assigned to conduct staff inspections shall be given access, for the purpose of inspection, to appropriate Sheriff's Office facilities, equipment and records.
- E. Personnel shall cooperate with and assist deputies assigned to conduct staff inspections, recognizing that staff inspections are conducted under the authority of the Sheriff.
- F. Staff inspections are conducted through the Sheriff's Office on a routine basis or as directed by the Sheriff.

C. Spot Check Inspection

- 1. Spot check inspections are conducted continuously on an unscheduled basis, requiring no advance notification.
- 2. If a spot check inspection reveals the need for a more comprehensive inspection, the pre-inspection notification shall be initiated prior to a formal inspection.

D. Post Inspection Activity

- 1. Personnel conducting a formal staff inspection are responsible for the completion of a constructive report at the conclusion.

1. Follow-Up Inspections

- 1. At prescribed time intervals following the initial inspection, inspectors may be directed by the Sheriff to conduct follow-up inspections and report on the progress of the implementation of recommended changes.

2. Frequency of required Inspections

- 1. A staff inspection is conducted at least once a year.
- 2. Line inspections that are generally conducted by first line supervisors are conducted at the discretion of the captain.
- 3. An annual inventory of found, recovered, evidentiary, and agency-owned

property is conducted to ensure the integrity of the property control system.

4. An annual staff inspection of the written performance evaluation system is conducted.
3. Inspection reports
 - A. All inspection reports are thoroughly reviewed by the Sheriff or his designee as a matter of policy.

SUBJECT: Criminal Investigations	NUMBER: 2-28.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 05-11-2018
NMMLEPSC STANDARDS: OPR.02.01, OPR.02.02, OPR.02.03, OPR.02.04, OPR.02.05	APPROVED: Sheriff

A. POLICY

The Criminal Investigation Division's goal is to thoroughly investigate reported criminal offenses and arrest persons responsible for the commission of these crimes. Deputies assigned to the criminal investigation division are non-uniformed personnel who investigate, case reports, arrest warrants, search warrants, make arrests of defendants, and prepare other documents, which are required for completion of assignments and presentation to the proper prosecuting authority.

B. PRELIMINARY/FOLLOW-UP INVESTIGATIONS:

- A. During an investigation the detectives should observe all conditions, events and remarks as well as locate and identify suspects, victims, witnesses, identify and protect crimes and arrange for collection of evidence.
- B. The detective will gather facts and evidence at the scene by the use of Sheriff's Office equipment through interviews and interrogations in an effort to establish circumstances and perpetrator of the crime.
- C. Detectives will interview witnesses, complainants, suspects, and victims and others who could have knowledge of a crime. These persons can be re-contacted and re-interviewed if it is believed to be necessary and advantageous to the investigation.
- D. Detectives will ensure to maintain and protect crime scenes until it has been properly processed and all necessary evidence has been collected.
- E. Primary investigations - Once a crime has been reported to the sheriff's Office a preliminary investigation will begin. A preliminary investigation is the initial report of an offense.
- C. Most preliminary investigations are conducted by a deputy, unless conditions exist to warrant the involvement of criminal investigation division personnel in the initial investigation.
- F. Follow up investigations – felony or misdemeanor investigations that require extensive follow up or are too time consuming for a deputy are forwarded to the criminal investigation division for further investigation.

1. Follow up investigations will include :
 - C. Reviewing preliminary reports
 - C. Conducting additional interviews and interrogations
 - C. Preparing case files
 - C. Collecting and preserving physical evidence
 - C. Identifying and apprehending suspect
 - C. Assisting in prosecution of the case.

C. SCHEDULING

Detectives working within the criminal investigation division will generally be assigned to day shift duty. The number of personnel and hours worked will be designated according to necessity as seen by the division commander. Detectives will be on an on call status by rotation.

1. The detective supervisor will have a roster of personnel that are on call. This will allow access for investigative personnel 24 hours a day.
 1. The on call detective will respond in approximately one hour from being contacted.
 2. The on call detective will be required to have all necessary equipment needed for evidence collection or detection.
- B. The detective supervisor will be notified on all requests for detective call outs and the detective supervisor will then notify the on call detective.

D. CASE SCREENING

- A. Cases, except those closed by the original investigating deputy, are classified as “open”. cases pending investigation remain in this status until such time that an alternate classification has been assigned.
- B. The detective supervisor, who is assigned responsibility to screen cases, shall issue cases to detectives based upon solvability factors.
 3. A decision shall be made by the supervisor whether to assign a case for investigation or to “close” the case." This decision is generally based on minimum solvability factors.
 4. Solvability factors should assist supervisors in maximizing available resources in the investigation of potentially solvable cases and cases of more serious nature.
- C. Solvability factors are considered based upon the following criteria:

VII. Witness to crime

- VIII. Knowledge of suspect name or location
- IX. Description of suspects
- X. Property with reasonable identification characteristics, makes, or numbers
- XI. Existence of method of operation
- XII. Presence of significant physical evidence
- XIII. Description of suspect vehicle
- XIV. Positive results from crime scene evidence search
- XV. Belief that crime may be solved with publicity or reasonable additional investigation

E. CASE FILE MANAGEMENT

- C. Each detective will maintain working files. All working case files from January to December of that year and cases that have been solved will be turned in to the detective supervisor.
- D. Assigned cases will remain in the investigative section. Each detective will be required to update all case files assigned in the secure records management system within the Sheriff's Office. A case status log will be maintained by the detective with a copy provided to the detective supervisor as required.
- E. The detective supervisor is the coordinator on each case assigned to the detective division. He/she is responsible to assign cases to the appropriate detective.
- F. Files may be locked or kept with the investigator, limiting the accessibility of those files. Investigations that contain information that if disclosed to personnel that are not involved in the investigation, that could compromise the investigation or safety of investigative or sources involved.
- G. All incident reports which are generated by the criminal investigation division will be maintained in the records management system and will be destroyed according to retention schedule guidelines. Purging of all inactive files will be the responsibility of the records custodian and they will comply with the public records retention schedule.

VI. CASE STATUS

- I. The detective determines or changes the status of each case assigned. This decision is based upon information developed by, or provided to, the assigned detective. Any change in the status of the case is made through a supplemental narrative report.
- II. Case status categories are designated as:
 - 1. Open
 - 2. Assigned
 - 4. Closed
 - 5. Inactive
- 1. Information on the status of a specific case is recorded, maintained and updated by the detective to whom the case is assigned.

2. Supplemental reports are completed by the assigned detective, entered into the records management system and submitted for supervisory approval. While all original copies of associated work will be scanning scanned into the records management system, a detective may at his discretion maintain a duplicate file of his own for investigative purposes. Upon case disposal, the detective will purge his file.

VII.MONTHLY REPORT

A monthly report is to be completed by the detective supervisor. The report shall be completed and delivered to the captain in a timely manner as requested. The detective supervisor will work with the captain to ensure that relevant information is contained in the report.

SUBJECT: Confidential Informants	NUMBER: 2-29.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE:05-11-2018
NMMLEPSC STANDARDS: OPR.02.06	APPROVED: Sheriff

6. **POLICY**

It is the policy of this law enforcement agency to take necessary precautions by developing sound informant control procedures. In many instances, a successful investigation cannot be conducted without the use of confidential informants. While the use of confidential informants can be an effective tool in investigations, it can be undermined by misconduct of the confidential informants or improper handling by the detective using the informant.

7. **DEFINITIONS**

Confidential informant: An individual who, in an arrangement with law enforcement authorities, agrees to serve in a clandestine capacity to gather information for those authorities on suspected criminal activity or known criminal operatives in exchange for compensation or consideration.

Confidential informant file: File maintained in order to document all information that pertains to confidential informants.

Compelling public interest: For purposes of this policy, situations in which failure to act would result or likely result in loss of life, serious injury, or have some serious negative consequence for persons, property, or public safety and therefore demand action.

8. **PROCEDURES**

a. Establishment of an informant file system

- i. The detective shall be responsible for developing and creating a confidential informant file. That file will be approved by the Captain and placed for safe keeping and maintenance in the confidential informant file cabinet. Once approved the confidential informant will be assigned a number which will be given to the detective.
- ii. A file shall be maintained on each confidential informant deemed suitable by the Sheriff's Office. Each file shall be coded with an assigned informant control number for identification within the indexing system and shall include the following information:

1. Name, aliases, and date of birth

2. Height, weight, hair color, eye color, race, sex, scars, tattoos, or other distinguishing features
 3. Name of detective initiating use of the informant and any subsequent detective
 4. Criminal history record
 5. Current home address and telephone number(s)
 6. Current employer, position, address, and telephone number
 7. Vehicles owned and their registration numbers
 8. Gang affiliations
 9. Briefs of information provided by the confidential informant and their subsequent reliability
 10. Picture of informant
 11. Fingerprints
 12. Confidential informant contract/agreement
- iii. Informant files shall be maintained in a separate and secured area in the criminal investigations section.
- b. Confidential informant determination
- i. The detective supervisor or other authorized personnel will review for potential selection as a confidential informant. This shall include sufficient detail regarding the risks and benefits of using the individual so that a sound determination can be made. The following information shall be addressed.
 1. Age, sex, and residency status
 2. Employment status or occupation
 3. Affiliation with legitimate businesses and illegal or suspicious enterprises
 4. Extent to which potential information, associations, or other assistance could benefit a present or future investigation
 5. Extent to which provided information can be corroborated
 6. Criminal history, to include whether he or she is the subject of a pending investigation, is under arrest, or has been charged
 7. Whether he or she is reasonably believed to pose a risk to the public, or is a flight risk
 8. Whether he or she is a substance abuser
 9. Whether he or she is related to anyone in law enforcement
 10. Any prior or current service as a confidential informant with this or another law enforcement organization
 11. Probation or parole status
 12. No homicide or sex offender convictions
 - ii. Juveniles - Use of a juvenile under the age of 18 as a confidential informant may only be undertaken with the advance approval of the Sheriff or his designee, and with the written authorization of the individual's parents or guardians. Authorization for such use should be granted only when a compelling public interest can be demonstrated.

- iii. Each confidential informant's suitability shall be reviewed annually (at a minimum). If they are no longer needed a memo will be placed in the file deactivating the informant and the file.
- iv. Any information that may negatively affect a confidential informant's suitability during the course of his or her use shall be forwarded to the detective supervisor or other authorized personnel for information and appropriate action as soon as possible.
- v. Confidential informant contracts shall be terminated and the confidential informant file placed in inactive status when the confidential informant has not been used for one year or more.

c. Confidential informant files

- i. The detective supervisor in charge of informant files shall ensure that information concerning informants is strictly controlled and distributed only to deputies/detectives and other authorities who have a need and a right to such information.
- ii. The name of a confidential informant shall not be included in an affidavit for warrant unless judicial authority is obtained to seal the document from public record or the confidential informant is a subject of the investigation upon which the affidavit is based. Additionally, detectives shall scrupulously avoid providing details of confidential informant actions or involvement in arrest reports and other documents available to the public.
- iii. No portion of a confidential informant's file shall be entered into any other electronic or related database without controls sufficient to exclude access to all but authorized personnel with a need and a right to know.
- iv. Detective are responsible for ensuring that information of potential value to other elements of the Sheriff's Office is provided promptly to authorized supervisory personnel
- v. Employees leaving employment with the Sheriff's Office have a continuing obligation to maintain as confidential the identity of any confidential informant and the information he or she provided unless obligated to reveal such identity or information by law or court order.
- vi. Confidential informant files will be maintained for 3 years from the date of deactivating. After 3 years the confidential informant files will be destroyed.

d. General guidelines for handling confidential informants

- i. Confidential informants are assets of the Sheriff's Office, not the individual detective.
- ii. Confidential informants shall not be used without authorization of the Sheriff's Office through procedures identified in this policy.

- iii. Confidential informants shall not be used to gather information on individuals who are not otherwise under investigation or suspicion of criminal conduct. This will not restrict the detective from gaining information on unknown criminal conduct.
 - iv. Confidential informants shall not be used for gathering information purely of a political nature or for other information-gathering efforts that are not connected with a criminal investigation.
 - v. All confidential informants shall agree and abide by the provisions of the Sheriff's Office informant agreement. The primary detective handling the confidential informant shall discuss each of the provisions of the agreement with the confidential informant, with particular emphasis on the following:
 - 1. Informants are not law enforcement officers. They have no arrest powers, are not permitted to conduct searches and seizures, and may not carry a weapon.
 - 2. Informants will be arrested if found engaging in any illegal activity. They will receive no special legal considerations.
 - 3. Informants are prohibited from engaging in actions or activities that could be deemed entrapment. The meaning of the term and implications of such actions shall be explained to each confidential informant. For instance, confidential informants shall not participate in actions that encourage, persuade, or otherwise motivate a person to engage in criminal activity.
 - 4. Every reasonable effort will be taken to ensure the confidentiality of the informant but, upon judicial order, he or she may be required to testify in open court.
 - 5. Informants may be directed to wear a listening and recording device.
 - 6. Informants may be required to submit to a search before and after a controlled purchase.
 - vi. Detective shall take the utmost care to avoid conveying any confidential investigative information to a confidential informant (such as the identity of other informants, surveillance activities, or search warrants) other than what is necessary and appropriate for operational purposes.
 - vii. No member of this agency shall knowingly maintain a social relationship with confidential informants, or otherwise become personally involved with confidential informants beyond actions required in the performance of duty. Members of this agency shall not solicit, accept gratuities from, or engage in any private business transaction with a confidential informant.
 - viii. Meetings with confidential informants shall be conducted in private and with another detective present. Meetings with confidential informants shall be documented and subsequently entered into the confidential informants file.
 - ix. When reasonably possible, detectives shall corroborate information provided by a confidential informant and document efforts to do so in the informant or case file.
- e. Monetary payments

- i. All fees and rewards paid to confidential informants shall be commensurate with the value of the information or assistance provided the Sheriff's Office.
- ii. All confidential informant payments shall be approved in advance by the detective supervisor in charge of confidential funds.
- iii. Two deputies shall be present when making payments or providing funds to confidential informants.
- iv. The detective supervisor shall ensure that the process for authorization, disbursement, and documentation of confidential informant payments, as well as the accounting and reconciliation of confidential funds is consistent with this Sheriff's Office's policy.
- v. Field deputies needing to work with confidential informants will work with the detective supervisor to have a detective assigned to the confidential informant to ensure that proper procedures are followed.

SUBJECT: Reserve Deputies	NUMBER: 2-30.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 05-14-2018
NMMLEPSC STANDARDS: ADM.13.01	APPROVED: Sheriff

A. POLICY:

This manual is intended to set forth rules and regulations for the conduct of members of the reserve division of the Socorro County Sheriff's Office. In the event of any conflict herein with the rules, regulations, policies, procedures, or laws covered by the Socorro County Sheriff's Office Standard Operating Procedures Manual, or by any county, state or federal law, and then the appropriate Sheriff's Office rule or appropriate law will apply.

Each reserve deputy will be issued a copy of the rules and regulations, and is required to study and be familiar with all rules and procedures as set forth in the Socorro County Sheriff's Office Standard Operating Procedures Manual.

B. PURPOSE

To augment and assist the Socorro County Sheriff's Office with volunteers who have the qualifications and training required to assist sworn deputies and other

Sheriff's Office personnel in the performance of their official duties, increase citizen involvement in law enforcement and lessen the burden of governmental authorities in their enforcement of the law.

C. ORGANIZATION

1. The reserve division is composed of persons who are appointed as "special deputies" by the Sheriff (4-41-10, NMSA 1978). The roster of the reserve division shall not exceed 30 active members.
2. The reserve division is a function of the Socorro County Sheriff's Office and is subject to the normal Sheriff's Office chain of command.
3. The reserve liaison is a sworn deputy, with the rank of sergeant or higher, appointed by the Sheriff to serve as liaison between the Sheriff's Office and the reserve division.

D. APPLICANT REQUIREMENTS AND PROCEDURES

- A. The application process and application package will be the same as for a regular deputy.
 1. New Mexico Rangers are not required to follow the application process.

- B. Members of the sheriff's Office reserve division must meet the same background requirements as for sworn deputies. Applicants must pass a background check and oral board; have no felony convictions; have no DWI convictions within the last 5 years; and have no domestic violence convictions. The applicant must be at least 21 years of age at the time of his/her acceptance into the reserve division.
 - 1. NM Rangers conduct their own internal background checks, and do not require oral board interviews in order to work for the Socorro County Sheriff's Office.
- C. Transfers or "laterals" into the reserve division will be evaluated on a case-by-case basis by individuals who have appropriate prior documented experience and meet the minimum qualifications for the reserve division and are approved by the reserve liaison and forwarded through the chain of command for approval.
- D. Upon successful completion of all steps in the application process, the applicant's file will be submitted to the reserve liaison for review and approval. Approved applicants will then be forwarded through the chain of command for final approval by the Sheriff.

V. TRAINING REQUIREMENTS

- 1. New reserve deputy trainees (probationary) are required to complete 80 hours of training prior to performing any ride alongs.
 - A. NM Rangers are exempt from the 80 hour ride along requirement.
- 2. Training will be approved by the reserve liaison. Completed training with the outline of subject matter taught will be turned into the Sheriff's Office.
- 3. Training will be conducted by a person(s) that are a certified as a law enforcement instructor according to NMLEA, or are a subject matter expert in their field.
- 4. Reserve deputies will complete the minimum biennium standards of training as required by NMLEA.

VI. CERTIFICATION REQUIREMENTS

- 1. All reserve deputies will maintain a current CPR certificate.
- 2. All firearms carried by reserve deputies will be in accordance with the Sheriff's Office's firearms policy.
- 3. All reserve deputies will successfully complete a course of instruction in firearms orientation prior to their initial qualification on the range.

4. All reserve deputies are required to qualify with their firearms as required by Sheriff's Office policy and the NMLEA. The Sheriff's Office's firearms policy will be adhered to for failing to qualify with a firearm.
5. Reserve deputies may carry a back-up weapon, shotgun, or rifle. Those firearms must meet the Sheriff's Office's firearms policy. The reserve deputy must be able to show proficiency with the firearms, have completed a training class on the firearm, and meet the Sheriff's Office qualification standards for that firearm.
6. A reserve deputy may carry an ASP baton and or a taser, and or only after successfully completing an authorized course of instruction in its use. It is the obligation of each deputy to successfully complete re-certification courses as provided by the Sheriff's Office.
7. A reserve deputy will maintain all other certifications as required by the Sheriff's Office. All training will be requested with the appropriate paperwork and submitted through the chain of command.
8. The reserve deputy uniform will be in accordance with the Sheriff's Office uniform policy for a sheriff's deputy.

VII.SERVICE REQUIREMENTS

- A. Specials: A "special" is defined as a public or private event, normally sponsored by a not-for-profit organization, for which the Sheriff has approved participation by the Sheriff's Office for purposes maintenance of peace, suppression of crime, control of public disorder, control of traffic, or for public relations.

VIII.STATUS AND LIMITATIONS

- A. Reserve deputies will normally function as a regularly commissioned deputy, within the guidelines stated below.
 1. Supervision: Reserve deputies will be directed by a full-time sworn deputy when on duty and will accompany a regular deputy unless otherwise directed by the on duty supervisor or others in the chain of command. During specials, in the absence of a regular deputy, cell phone or radio contact with a regular deputy or on-duty supervisor will be considered direct supervision.
 3. Limitations and restrictions: Reserve deputies **will not**:
 - a. Have full arrest powers
 - b. Issue traffic citations
 - c. Have authority when not on official assigned duty.

“Except with specific approval of the Sheriff or other in the chain of command” May be necessary in the event of a disaster or major event.

B. Reserve deputies will not:

2. Work in civilian clothes unless directed to do so by the Sheriff or other in the chain of command.
3. Use their own vehicles while on duty unless approved by the Sheriff or other in the chain of command.
4. Work stake-outs, except as eyes and ears, and then only as directed by the Sheriff.
5. Carry a handgun or other firearm in a concealed manner while in civilian clothing and identified as a reserve deputy. Nothing shall prevent the reserve deputy from carrying a weapon as a civilian in accordance with state law. Carrying a concealed weapon under the guise of a sheriff's deputy will result in immediate termination from the reserve division, and could result in criminal prosecution.

- C. In the event a reserve deputy witnesses an emergency situation which would require immediate assistance and is not in uniform, the reserve deputy may take any appropriate action as a civilian. If the reserve deputy is in full uniform, he/she will immediately contact the on-duty supervisor and take whatever action is ordered. In either case, the reserve deputy will notify the on-duty supervisor of their involvement, and complete any required paperwork by the end of the shift in which the incident occurred.

IX. SHERIFF'S OFFICE IDENTIFICATION, BADGE, AND COMMISSION

I. Upon the successful completion of the application process and approval by the Sheriff the reserve deputy will be issued a Socorro County Sheriff's Office Reserve Deputy commission. This commission will become a part of the reserve deputy Sheriff's Office identification. The commission will be valid only when the reserve deputy is on official duty.

II. Badge:

1. When Issued: Upon the successful completion of the reserve training the reserve deputy will be issued a reserve deputy's badge. This badge will be displayed by the deputy only while on official reserve division duty.
2. Special duties: In the case of reserve deputies who are assigned to special duties the badge may be displayed on the belt or at the waist of the deputy while on official reserve division duty.
3. The reserve deputy's badge may not be displayed in public at any time except as noted above. The displaying of the badge while not on official reserve division duty may result in termination from the reserve division.

4. NM Rangers will follow their own internal policies regarding carrying and display of badges.

X. SEPARATION FROM THE SERVICE

- a) Members may permanently or temporarily separate from active involvement in the Reserve Division in the following ways:
 1. Any active reserve deputy may request a leave of absence from the reserve division by submitting a request in writing to reserve liaison. The written request must include: length of requested leave, reason for request, starting date and proposed ending date. The reserve deputy will be advised in writing of the reserve liaison's decision to this request. The maximum length of leave will not be more than six months. If required, one six-month extension may be requested in writing.
 2. Should the approved period of the leave of absence expire without the deputy making his/her future intentions known to the reserve liaison, the deputy may be subject to dismissal from the reserve division.
 3. A resignation is voluntary separation from the reserve division by the reserve deputy. A letter of resignation addressed to the Sheriff and routed through the chain of command is required, stating the effective date and reason for the resignation.
 4. A decision for dismissal from the reserve division may be made by the Sheriff for violation of Sheriff's Office standard operating procedures, the reserve division rules and regulations, or of county or state law. Such dismissal shall be documented by the reserve liaison.
 5. Failure to maintain the minimum required hours of duty as set forth in these rules and regulations may be cause for dismissal. In such cases, the reserve deputy will first be advised by letter that he/she has failed to maintain the minimum required duty and/or activity hours and that he/she will be given three months to bring their duty hours up to the minimum requirements. If, at the conclusion of this period, the reserve deputy has failed to abide by the minimum duty requirements as outlined herein, a report will be prepared for the Sheriff, recommending dismissal.
 6. Any reserve deputy who separates from the reserve division shall immediately return all county property to the designated individual. Failure to do so shall be considered a violation of the appropriate county ordinance or state statute, and may be prosecuted accordingly.
 7. In all cases, the final decision for dismissal of any reserve deputy from the reserve division will be made by the Sheriff. No appeal process is available to any reserve deputy dismissed from the reserve division by the Sheriff.

XI. NEW MEXICO RANGERS

1. The NM Rangers while operating within in Socorro County or under the direction of the Socorro County Sheriff's Office will adhere to all Sheriff's Office rules and regulations.
2. NM Ranges uniform will be in accordance with the Sheriff's Office policy. Exceptions to the Sheriff's Office policy are the NM Rangers are permitted to wear the NM Ranger patch on the right shoulder of the uniform and the breast badge will be that of the NM Rangers.
3. NM Rangers will have their Socorro County commission card with them at all times while operating within Socorro County or under the direction of the Socorro County Sheriff's Office.
4. Member of the NM Rangers will submit copies of their background investigation for Sheriff's Office records prior to being commissioned as a special deputy in Socorro County. Copies of backgrounds that do not meet the Sheriff's Office standards may require further background check or denied commission with the sheriff's Office.
5. All members of the NM Rangers that are commissioned with the sheriff's Office are required to provide copies of all training certificates and qualifications to the Sheriff's Office.
6. Failure to provide copies of required trainings and/or qualifications may result in revocation of the sheriff's Office commission.

SUBJECT: Media Relations	NUMBER: 2-31.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 05-14-2018
NMMLEPSC STANDARDS: ADM.23.01, ADM.23.02, ADM.23.03	APPROVED: Sheriff

1. POLICY

Positive press relations are an integral part of the operation of any public service agency; the Socorro County Sheriff's Office is no exception. Most citizens have little contact with law enforcement Sheriff's Officers and their opinion of the police is often formed by the mass media's portrayal of its functions. The maintenance of good press relations is therefore a crucial element of public relations. Deputies and employees must maintain good rapport with the media and deal with them in a courteous and impartial manner. It must be remembered that the media has a legitimate function in our society and the public trust of the police can be enhanced through proper dealings with the media.

2. RULES AND REGULATIONS

A. PUBLIC INFORMATION OFFICER

1. The designated Public Information Officers for the Sheriff's Office is the Sheriff. The Sheriff may designate a Public Information Officer for a specific incident.
2. The Public Information Officer is responsible for:
 1. Coordinating and authorizing the release of information;
 2. Being available for on-call responses to the media;
 3. Preparing and distributing Sheriff's Office news releases;
 4. Responding to requests for scheduled news conferences and interviews;
 5. Assisting in crisis situations within the agency.
3. In the absence of the Sheriff, public information responsibility will fall to the Undersheriff or designee.

B. NEWS MEDIA REQUIREMENTS AND PRIVILEGES

- a. Members of the media may not resist, obstruct or otherwise interfere with a deputy in the lawful execution of his duty. The mere presence of a member of the media, the taking of pictures or the asking of questions does not constitute interference.
- b. Deputies shall not restrict the movement of members of the media, unless their actions clearly and directly interfere with Sheriff's Office functions or investigations.

1. Still photographs or film footage may be taken in or from any area which media members have been given access. Deputies may restrict the use of flash, strobe or high intensity lighting when such illumination might hinder an investigation.
 - c. Sheriff's Office personnel shall not compel prisoners to pose for photographs or film footage. However, deputies are not to interfere with photographers or cameramen photographing or filming prisoners from public access areas.
 - d. Members of the media are not exempt from any federal law, state law, or any local ordinance. They are dealt with in the same manner as any other violator if arrested.
 - e. No member of the media shall have any property confiscated, nor be threatened with confiscation, without due process of law. This includes camera, film, notes, etc.
 - f. Because most of the media maintain a police scanner and are aware of our calls at all times of the day and night, they shall be allowed to call the Communications Center and calls will be transferred to the shift supervisor. The shift supervisor will contact the chain of command for guidance and designation of Public Information Officer. Calls from the media that come directly to the Sheriff's Office during duty hours will be referred to the Sheriff or his designee.
 - g. The Sheriff's Office will not initiate calls to the media except official news releases.
 - h. Any employee who experiences difficulties in dealing with individual member of the media at the scenes of incidents or during telephone contact should report such by memorandum to the Sheriff.
 - i. The fact that a person is a member of the media does not give them special privileges when responding to, or reporting from, a crime scene.

C. RELEASE OF INFORMATION

1. In cases of a death, the name of the deceased shall not be released by Sheriff's Office personnel until next of kin has been notified.
2. Certain information may not be released in an ongoing investigation if it may compromise the investigation. Determination of certain information that will not be released will be made by the primary investigator and the Sheriff.
3. Release of information will be in compliance with the Sheriff's Office access to Records policy.

4. All employees shall familiarize themselves with the 'Records' policy to ensure any release of information meets those guidelines.
5. If any questions arise concerning the release of certain information, the Custodian of Records shall be contacted.
6. Media submitting request for public records will be referred to the Custodian of Records. Fees and time limitations associated with records request will be made in accordance with NMSA 14-2-1.

1. **MUTUAL OPERATIONS**

A. Media request for information on incidents involving actions initiated by another agency is referred to that agency.

B. Media request for information on incidents initiated by the Sheriff's Office with assistance from another agency are handled under the provisions of this policy.

SUBJECT: Unusual Occurrences	NUMBER: 2-32.01
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 05-14-2018
NMMLEPSC STANDARDS: OPR.05.01, OPR.05.02, OPR.05.03, OPR.05.04, OPR.05.06, OPR.05.07, OPR.05.08, OPR.05.09	APPROVED: Sheriff

POLICY

In the event of an unusual event, special event, or natural/man-made disaster, the Sheriff's Office has established the following guidelines and procedures to provide for coordination of law enforcement activities to ensure the safety of life and property.

With an event or disaster the Sheriff will designate an incident commander. The Sheriff if necessary directs emergency operations from the emergency command center in coordination with other responding agency representatives.

Emergency operations plans are accessible to all command personnel and are reviewed and updated as needed. Plans will be developed on a case by case basis as emergency operations develop. Sheriff's Office equipment that is designated for use in unusual events should be inspected semi-annually for operation readiness.

SPECIAL EVENTS

Special events may include but are not limited to sporting events, parades, gatherings, marches, concerns, and political conventions.

A. Procedures

1. The Sheriff will designate someone that is responsible for coordinating the number of deputies present at the function and their duties.
2. It is the responsibility of the individual coordinating the event to develop a written plan that establishes at a minimum:
 - B. use of special operations personal, if needed;
 - C. necessary equipment available;
 - D. designation of an incident commander and coordinator for the coverage of a given event.
 - E. written estimate of traffic, crowd control and crime problems expected for any given event;
 - F. logistical requirements;
 - G. coordination inside and outside the agency; and
 - H. contingency plan for traffic direction and control

3. A copy of the plan will be submitted through the chain of command to the Sheriff.

B. After-event report

C. The supervisor coordinating the event will complete an after-event report, which should detail any problems encountered during the event and resolutions or changes that should be considered before the next event.

D. A copy of the after-event report should be forwarded through the chain of command to the Sheriff.

III. HOSTAGE/BARRICADED PERSONS

A. The following guidelines for hostage and barricaded persons will be as follows:

- a. Deputy's initial response will evaluate and secure the area where the hostage or barricaded subject is located.
- b. Once the deputies have determined that a hostage or barricaded person has been located the deputy will immediately notify shift supervisor. The deputy will then establish a perimeter around the hostage/barricaded person's location. The on duty supervisor upon his arrival will be briefed on the situation and the supervisor will notify the Captain. The determination will be made if the Sheriff's Office needs the assistance of the New Mexico State Police TAC Team.

Fire and rescue will respond and stage in a safe area and stand by for further direction.

- c. The sheriff's Office will review guidelines concerning hostage and barricaded persons on an annual basis.

IV. RIOTS/CIVIL UNREST AND EMERGENCY SITUATIONS AT CORRECTIONAL OR OTHER INSTITUTIONS

Once a disturbance has been identified, the area should be quickly sealed off and contained until the disturbance has been resolved. An unlawful assembly should be dispersed in a safe manner, if possible. Once removed, people should not be allowed to return. If applicable, deputies are instructed to arrest violators who refuse to comply with lawful orders to disperse from the scene.

The on duty supervisor will request assistance from the state police, local police Offices, and if necessary may mobilize off-duty Sheriff's Deputies, with consent of a Captain or Sheriff.

a. Communications

D. During an emergency, a primary radio channel will be designated for emergency traffic only until completion of the operation.

E. If required, the command post will be activated and communications established

from that location.

1. Situation maps

1. Situation maps shall be maintained in the communications center to be used during emergency situations to visually plot the emergency area.
2. County maps or building blueprints of schools or public buildings shall be obtained and made available at the command post.

E. Incident commander

The first supervisor on the scene immediately assumes command and is designated as incident commander until, or unless, relieved by a higher authority. It is the responsibility of the incident commander to:

1. Make a rapid survey of the scene and assess the seriousness of the situation.
2. Notify the staff through the chain of command of the current status of the situation to include the following:
 1. Manpower needs;
 2. Routes open to the scene;
 3. Location of a suitable staging area and parking area.
3. Establish a field command post and
 3. notify the communication center and the staff of the location;
 4. determine any communications available;
 5. determine the specific equipment needed.
4. Supervise operations and maintain communications with the communication center.

F. Chain of command

1. During emergency situations, the established chain of command shall be strictly adhered to.
2. Other law enforcement agencies responding to aid the Sheriff's Office shall adhere to our Sheriff's Office's established chain of command, unless otherwise directed by the Sheriff.

H. Community relations/public information

1. The purpose of effective community relations/public information is to maintain 'public confidence', while keeping the public informed concerning any threatening emergency situation.

2. The designated public information Officer is responsible to establish effective collection, control and dissemination of emergency public information, to minimize confusion, misinformation and for rumor control.

J. If the emergency is strictly a law enforcement problem, the public information Officer shall keep the media briefed of the emergency situation as it progresses, without jeopardizing security objectives.

1. Other law enforcement agency support

a. The incident commander may request mutual aid from other surrounding law enforcement agencies.

b. Responding law enforcement Officers shall be directed where to report for briefing and assignments.

i. Military support

The Sheriff may request the county manager seek additional support through the New Mexico National Guard consistent with the county's emergency operations plan.

ii. Traffic control

1. During a civil disturbance within the county, the Sheriff's Office is responsible to provide traffic direction and control, including barricading designated streets.

2. The incident commander is responsible to establish perimeters, sealing off the affected area, while routing traffic away from the location.

1. Equipment

1. Uniformed deputies should use issued equipment civil unrest.

2. In a state of emergency, the Sheriff is authorized to acquire additional equipment, as needed.

2. Arrest

During a civil disturbance, the possibility of mass arrests certainly exists. Mass arrests must be handled quickly and efficiently, providing for transportation to jail, release on summons, and adherence to the arrestee's constitutional rights.

1. Court/prosecutorial liaison

In the event a civil disturbance involves mass arrests, the supervisor in charge of the event will, maintain liaison with the appropriate prosecutor and courts, seeking legal advice and direction, as necessary.

2. Before taking any immediate action, the incident commander shall determine how much assistance is needed to effectively execute the agency's plan.
 3. Once the order to disperse has been given, it shall be repeated and a reasonable time limit encouraging people to leave freely.
 4. Deputies responding to a civil disturbance shall respond as an organized tactical team under the direction of a supervisor, not as individual police units.
 5. When incidents involving mass arrests are anticipated the jail administrator will be contacted ahead of time so the jail personnel can be prepared.
 6. If mass arrests are made, Sheriff's Office vehicles should be used to transport prisoners to the designated detention center.
 1. The local police departments and state police may be utilized to transport prisoners.
 2. If larger capacity transportation is needed the on duty supervisor should contact one of the following to arrange for buses:
 1. City of Socorro
 2. Socorro Consolidated schools transportation
 3. New Mexico Tech Transportation Office
 7. Prisoners will be promptly arrested and removed from the scene to the sheriff's Office or the designated detention facility.
 8. Even during a civil disturbance deputies are authorized to use only the degree of force necessary to effect a lawful arrest, in compliance with the Sheriff's Office use of force policy.
 9. Deputies should remember that civil disturbances are highly publicized events, whereby police actions are rigidly scrutinized by the public and media.
3. Booking
 1. Deputies shall adhere to standard operating procedures in the booking process.
 2. Since this type of activity may cause confusion, all venues will be utilized to ensure the identity of the individual prisoner is correct. Photographs and fingerprints shall be taken of all arrested for follow-up investigative and identification purposes.
 3. If juveniles are involved, the JPPO will be contacted and asked to respond to the Sheriff's Office in order to quickly assess and recommend disposition.
 4. The magistrate or municipal court judge and court clerk will be notified of mass

arrests. Prisoners cited into municipal court shall be taken immediately before the judge for arraignment and bonding procedures (if possible).

5. Confinement of adult prisoners will be in accordance with standard operating procedures unless otherwise directed by the Sheriff or his designee.
6. Prisoners remaining in Sheriff's Office custody will be provided with the necessary needs, such as food, water and sanitation.
7. Prisoners will be given the opportunity to contact legal counsel after being booked.
8. In most cases, defense counsel visits shall be allowed consistent with state and federal laws. However, security risks may delay these visits.

4. Medical treatment

1. The incident commander will request medical standby at a safe location.
2. Prisoners requiring medical attention will be treated prior to being confined in jail.
3. Prisoners who are seriously injured will be transported by ambulance to the hospital. Security arrangements will be made as necessary.

5. Public facility security

- a) As many deputies as necessary will be assigned to secure County of Socorro facilities.
- b) In cases of a major civil disturbance deputies will be provided for security of strategic support facilities such as public utility buildings, medical facilities, etc.

6. Post event

- a) The incident commander shall direct personnel to perform such necessary duties as required to resume daily police operations, such as:
 - a) emergency notification of next-of-kin concerns injuries or deaths.
 - b) follow-up supervision concerning workman compensation re: deputy on-duty injuries.
 - c) support services division will be responsible for any repairs or replacement of damaged or loss equipment/supplies.
 - d) any evidence will be collected in accordance with procedural guidelines.
 - e) reassignment of patrol personnel to regular schedule patrol shifts.

- b) A debriefing will be held at the conclusion of the incident and a post incident report will be written to the Sheriff by a designated supervisor involved in the incident, reviewing the operation and recommending any procedural changes, if necessary.
- c) Within a reasonable time frame a critical incident stress debriefing shall be provided by the Sheriff's Office for those public safety personnel involved.

NATURAL/MANMADE DISASTERS

Natural disasters can take many forms from ice and wind to floods to tornadoes. It is considered any natural phenomenon, which has the potential of widespread or severe damage, injury, or loss of life or property.

Manmade disasters can take a multitude of forms however in general it means an occurrence or imminent threat which is the result of a manmade act affecting any number of citizens through widespread or severe damage, injury, or loss of life or property.

A. Incident commander

The first supervisor on the scene immediately assumes command and is designated as incident commander until, or unless, relieved by a higher authority. It is the responsibility of the incident commander to:

1. Make a rapid survey of the scene and assess the seriousness of the situation.
2. Notify the staff through the chain of command of the current status of the situation to include the following:
 1. manpower needs;
 2. routes open to the scene;
 3. location of a suitable staging area and parking area.
3. Establish a field command post and
 1. notify the communication center and the Sheriff of the location;
 2. determine any communications available;
 3. determine the specific equipment needed.
4. Supervise operations and maintain communications with the communication center.

B. Communications

- A. During an emergency, a primary radio channel will be designated for emergency traffic only until completion of the operation.
- B. If required, the command post will be activated and communications established from that location.

C. Situation maps

1. Situation Maps shall be maintained in the communications center to be used during emergency situations to visually plot the emergency area.
2. County maps or building blueprints of schools or public buildings shall be obtained and made available at the command post.

F. Chain of command

1. During emergency situations, the established chain of command shall be strictly adhered to.
2. Other law enforcement agencies responding to aid the Sheriff's Office shall adhere to our Sheriff's Office's established chain of command, unless otherwise directed by the Sheriff.

G. Community relations/public information

1. The purpose of effective community relations/public information is to maintain 'public confidence', while keeping the public informed concerning any threatening emergency situation.
2. The designated public information Officer is responsible to establish effective collection, control and dissemination of emergency public information, to minimize confusion, misinformation and for rumor control.
3. If the emergency is strictly a law enforcement problem, the public information officer shall keep the media briefed of the emergency situation as it progresses, without jeopardizing security objectives.

H. Other law enforcement agency support

1. The incident commander may request mutual aid from other surrounding law enforcement agencies.
2. Responding law enforcement officers shall be directed where to report for briefing and assignments.

I. Military Support

The Sheriff may request the county manager seek additional support through the New Mexico National Guard consistent with the county's emergency operations plan.

J. Traffic control

1. The incident commander is responsible to establish perimeters, sealing off the affected area, while routing traffic away from the location.

2. An outer perimeter should be established to secure the area. The purpose of the outer perimeter is to keep the number of people exposed to any hazard to a minimum. Access to a disaster area will be limited to residents, emergency services and utilities. Deputies should remove any unauthorized personnel from the area for safety reasons being very cognizant of the potential for thefts.
3. Maintain open emergency lanes to provide for the free flow of emergency vehicles and equipment. Deputies will report streets, which are accessible to emergency vehicles as well as streets that are clear through the disaster area. If needed, street cleaning equipment may be requested through the command center.

K. Equipment

- I. Uniformed deputies should use issued equipment civil unrest.
- II. In a state of emergency, the Sheriff is authorized to acquire additional equipment, as needed.

L. Deputy duties

1. Report promptly to the sheriff's Office or assigned assembly area to receive assignment and equipment.
2. Perform assigned functions as directed, including emergency protective measures for the protection of life and property, traffic control and direction, crowd control, evacuation and containment of the disaster area.
3. Available Sheriff's Office personnel may be assigned to key areas of the incident/operation, including but not limited to:

Perimeter control;

Traffic direction and control;

Temporary morgue/casualty information;

Property recovery and disposition;

Evacuation;

Public facility security;

Arrest/transportation needs;

4. Assist with the care and removal of the injured, as well as the removal and identification of any casualties.
5. Maintain conspicuous police patrols for the protection of life and property, as well as preventive measures.
6. Prepare reports as required or necessary.
7. Deputies should be cognizant of the shelter areas and direct people accordingly.

Victims in need of first aid will be directed to the staging area where medical aid and

transportation will be located.

If the victim is not movable, their location will be relayed to EMS personnel and a route will be provided for transportation.

People who are unable to locate a relative should be directed to the centralized shelter where a list and disposition of victims will be kept.

M. De-escalation procedures

1. Recovery begins when the emergency assistance arrives and the emergency is stabilized. While recovery can take place quickly in some areas, other affected areas may require an extended period of time to recover from a disaster.
2. Once the emergency stabilizes and begins to de-escalate, the incident commander will prepare for returning to daily police operations. This preparation shall include, but not be limited to the following considerations:

Release of other agency personnel from emergency duty.

Release of agency personnel from emergency duty. Agency personnel will be the final group released from emergency duty.

N. Post event

1. As the disaster situation is contained, the Sheriff or incident commander issues the order to secure all posts associated with the operation and calls a debriefing for all involved personnel.
2. Post-disaster personnel may remain in the field at posts designated by the incident commander.
3. Within a reasonable amount of time, the incident commander shall submit a written report detailing the events, any casualties and any revisions which need to be made to policy or emergency operations plans.
4. Within a reasonable amount of time, a critical incident stress debriefing may be provided for public safety personnel.

DIGNITARY PROTECTION

The Sheriff's Office's dignitary protection functions are conducted with the safety of the protected and deputies as the foremost consideration. Personnel from all divisions may be called to assist with this function.

V. Definitions

- a) Dignitary: For the purpose of this section, a dignitary refers to a person who, because of their notoriety, political activity or circumstances, may be a security risk.

VI. Protection of the dignitary

- a) The Sheriff will designate a supervisor for the dignitary protection detail.
- b) In the event that the dignitary has a security detail, the supervisor shall work with the person in-charge of that detail for coordination efforts. The supervisor will assign as many deputies as necessary to provide adequate security of the dignitary.
- c) If additional manpower is needed the Captain or Sheriff will contact other law enforcement agencies for assistance.

VII. Security measures

- a) The supervisor establishes travel routes for the dignitary. The supervisor works with the dignitary or his staff on these routes. These routes will be preplanned and traveled by the supervisor and any specialty personnel will be called if necessary to identify hazards or problems that may arise. Alternate routes shall be planned. Specialty personnel will be requested if needed, from another agency.
- b) The supervisor and the specialty personnel if necessary will make advance inspections of any sites or facilities to be visited or used by the dignitary. Ingress and egress of the locations shall be noted as well as any other security problems observed.
- c) When the dignitary is accompanied by a detail, such as the Secret Service, the supervisor assigns a deputy to work with the detail. This deputy will check on persons that may be hostile to the dignitary. If the dignitary does not have a security detail, the Deputy may still be utilized.
- d) The supervisor arranges for EMS personnel to be available if necessary to be on stand-by or involved in the security program if deemed necessary. Planning for the most direct route to the hospital will be made. Medical information on the dignitary is provided to the hospital if available.
- e) The supervisor insures that communications are established between the dignitary's party and the local communications center. In the event of a motorcade the supervisor will offer to make communications available between each unit of the motorcade and the communications center.
- f) The supervisor arranges for any special equipment or vehicles needed.
- g) Plainclothes Sheriff's Deputies assigned to the detail should wear some type of special designation, and carry official identification.

SUBJECT: Physical Fitness	NUMBER: 2-33
EFFECTIVE DATE: 06-12-2018	REVIEW DATE: 05-23-2018
NMMLEPSC STANDARDS:	APPROVED: Sheriff

POLICY

It is the policy of the Socorro County Sheriff's Office to promote physical fitness among its employees. It is up to each Deputy to decide if he or she is capable of participating in a fitness program, and to consult a physician if necessary.

The Socorro County Sheriff's Office recognizes the importance of physical fitness to employee health. Law Enforcement work can be very physically and psychologically demanding. These challenges are better addressed when an employee participates in a regimen of personal fitness. If employees choose to participate, they must do so in a manner that is safe, constructive, and in accordance with rules and guidelines.

- A. In order to work out on-duty, Deputies must be scheduled for a minimum of an eight hour shift during each day of participation. Deputies will not work out on overtime projects, unless that Deputy is covering a shift for another Deputy. The employee's workout session will be no longer than 60 minutes. If utilizing heavy weights, if possible, the Deputy should have a partner with him for safety purposes. While working out on shift, Deputies will, at all times, have a means to be contacted, whether by police radio or cell phone. Deputies will always prioritize their Law Enforcement duties over working out.
- B. Deputies must receive approval from a supervisor prior to working out on duty. Supervisors are expected to uphold the philosophy of the program by safely addressing the workload, and calls for service on their shifts, while scheduling their employees' participation in this program. Of course, workout time is subject to workload demands and is not guaranteed.

2-34

Reserved

APPENDIX A

LAW ENFORCEMENT CODE OF ETHICS

The Socorro County Sheriff's Office has adopted the law enforcement Code of Ethics as published by the International Association of Chiefs of Police. All Sworn Deputies of this Sheriff's Office shall abide by this code of ethics.

A Socorro County Sheriff's Deputy acts as an official representative of government who is required and trusted to work within the law. The Deputy's powers and duties are conferred by statute. The fundamental duties of a Deputy include serving the community; safeguarding lives and property; protecting the innocent; keeping the peace; and ensuring the rights of all to liberty, equality and justice.

A Deputy shall perform all duties impartially, without favor or affection or ill will and without regard to status, sex, race, religion, political belief or aspiration. All citizens will be treated equally with courtesy, consideration and dignity.

Deputies will never allow personal feelings, animosities or friendships to influence official conduct. Laws will be enforced appropriately and courteously and, in carrying out their responsibilities, Deputies will strive to obtain maximum cooperation from the public. They will conduct themselves in appearance and Sheriff's Office in such a manner as to inspire confidence and respect for the position of public trust they hold.

A Deputy will use responsibly the discretion vested in the position and exercise it within the law. The principle of reasonableness will guide the Deputy's determinations and the deputy will consider all surrounding circumstances in determining whether any legal action shall be taken.

Consistent and wise use of discretion, based on professional policing competence, will do much to preserve good relationships and retain the confidence of the public. There can be difficulty in choosing between conflicting courses of action. It is important to remember that a timely word of advice rather than arrest – which may be correct in appropriate circumstances – can be a more effective means of achieving a desired end.

A Deputy will never employ unnecessary force or violence and will use only such force in the discharge of duty as is reasonable in all circumstances.

Force should be used only with the greatest restraint and only after discussion, negotiation and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every Deputy will refrain from applying the unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhuman treatment of any person.

Whatever a Deputy sees, hears or learns of, which is of a confidential nature, will be kept secret unless the performance of duty or legal provision requires otherwise.

Members of the public have a right to security and privacy, and information obtained about them must not be improperly divulged.

A Deputy will not engage in acts of corruption or bribery, nor will a Deputy condone such acts by others.

The public demands that the integrity of law enforcement Sheriff's Officers be above reproach. Deputies must, therefore, avoid any conduct that might compromise integrity and thus undercut the public confidence in a law enforcement agency. Deputies will refuse to accept any gifts, presents, subscriptions, favors, gratuities or promises that could be interpreted as seeking to cause the Deputy to refrain from performing official responsibilities honestly and within the law. Deputies must not receive private or special advantage from their official status. Respect from the public cannot be bought; it can only be earned and cultivated.

Deputies will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

A Deputy or agency may be one among many organizations that may provide law enforcement services to a jurisdiction. It is imperative that a Deputy assist colleagues fully and completely with respect and consideration at all times.

Deputies will be responsible for their own standard of professional performance and will take every reasonable opportunity to enhance and improve their level of knowledge and competence. Through study and experience, a Deputy can acquire the high level of knowledge and competence that is essential for the efficient and effective performance of duty. The acquisition of knowledge is a never-ending process of personal and professional development that should be pursued constantly.

Deputies will behave in a manner that does not bring discredit to their agency or themselves. Their character and conduct while off duty must always be exemplary, thus maintaining a position of respect in the community in which he or she serves. The Deputy's personal behavior must be beyond reproach.

APPENDIX B

OUR MISSION

The mission of the Socorro County Sheriff's Office is to fulfill the law enforcement needs of our community with the highest degree of fairness, professionalism and integrity. In partnership with the citizens of the county, we will provide service in an ethical and fiscally responsible manner, while preserving the rights of all individuals.

OUR VISION

The Socorro County Sheriff's Office is a service oriented organization, proactive in meeting the needs of the citizens of our communities. We are accountable for our actions. We will work in partnership with other public service agencies. We will support education for the citizens we serve, as well as ourselves.

OUR VALUES

Professionalism

While leading by example we are committed to excellence, honesty and courage in the performance of our duties.

Accountability

Through communication and cooperation, we will work hard to build trust and confidence with the community by holding the employees to the highest standards of professional conduct.

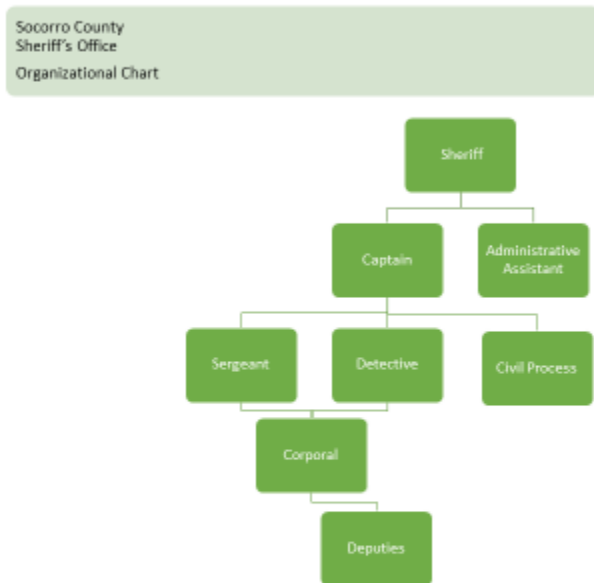
Integrity

We are dedicated to the ethical standards of honesty, fairness and respect.

Trust

Through teamwork, we will foster respect within our ranks, while promoting confidence within the community.

APPENDIX C



APPENDIX D

6.10 Workplace & Sexual Harassment. The County will not tolerate harassment or sexual harassment.

- A. Socorro County is committed to taking reasonable steps to provide a professional working environment free from all forms of harassment, whether based on sex, sexual orientation, gender identity, race, color, religion, national origin, age, disability or any other protected classification. Although this **policy** focuses on sexual harassment, it applies equally to all forms of harassment based on a protected classification and the procedures described in this **policy** shall be followed for all such harassment. This **policy** also applies when a County employee is subject to harassment in the workplace by someone outside the County.
- B. All County employees and members of the public have a right to be free from harassment from employees on official duty for the County. County employees are forbidden from engaging in harassing conduct in the workplace. Employees are also forbidden from engaging in conduct outside of work that creates a hostile work environment at work. Any act of harassment based upon a protected classification is a violation of county **policy**.
- C. Harassment Definition: verbal or physical conduct by any employee that, bullies, torments, persecutes, disrupts or interferes with another employee's work performance or that creates an intimidating, offensive or hostile environment.
- D. Sexual Harassment Definition: According to the EEOC, sexual harassment is any unwelcome sexually oriented behavior, demand, comment or physical contact initiated by any individual at the work place when:
 - 1. Submission to such conduct is made either explicitly or implicitly, a term or condition of an individual's employment;
 - 2. Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions/opportunities affecting such individual, or
 - 3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance, or creating an intimidating, hostile or offensive working environment.
- E. Examples. Sexual harassment can occur in a variety of forms. Harassing conduct based on gender often is sexual in nature but sometimes is not. This **policy** forbids harassment based on gender regardless of whether the offensive conduct is sexual in nature. Sexual harassment is unacceptable in the workplace itself and in other work-related settings such as business trips and business-related social events. The following are some common examples of behaviors or situations that constitute sexual harassment:
 - 1. Oral or written sexual statements, comments, jokes, questions or innuendoes;
 - 2. Display of sexually oriented visual items such as calendars, cartoons, photos or posters;
 - 3. Assault, molestation or unwelcome physical contact such as kissing, touching, patting, pinching, brushing against or hugging;
 - 4. Requests, demands or subtle pressure for sexual activity;
 - 5. Threats or retaliation against an employee who refuses unwelcome sexual attention or sexual behavior;
 - 6. Overt promises or practices that imply preferential treatment for any employee in exchange for dates, sexual attention or sexual behavior;
 - 7. Sexual insults and suggestions including, but not limited to, lewd remarks, obscene gestures and sexually suggestive materials;
 - 8. Any conduct that ridicules, or is malicious or abusive to, an individual because of the individual's gender;

9. Pressuring an employee to go out on a date;
 10. Consensual "romantic" or sexual relationships between a supervisor/manager and an employee; or
 11. Asking employee questions of a sexual nature.
- B. Responsibility to Report Harassment. Any employee, who believes they are a victim of harassment because of their protected classification, should first confront the person or persons responsible for the offensive behavior and indicate that it is unwelcome and should be stopped. The employee also has an obligation to promptly report the matter to the Human Resources Director or the County Manager. These are the individuals who are authorized by this **policy** to receive and act upon complaints of harassment or discrimination on behalf of the County. All employees who observe, or become aware of harassment, also have an obligation to bring the matter to the attention of the Human Resources Director or County Manager, even if they are not the victim of harassment.
- C. Investigation of Complaints. It is the County's intent to provide a fair process for investigating and resolving complaints of harassment. The County will investigate all reports of alleged harassment. Information associated with the investigation will be kept confidential, to the extent possible, and consistent with the County's obligation to investigate promptly and thoroughly. All employees are required to cooperate with any investigation by the County in response to an allegation of harassment. Refusal to cooperate in an investigation may result in disciplinary action, up to and including termination.
- D. Appeal. Any affected employee dissatisfied with the conclusion or results of an investigation, or with any corrective measures taken, may appeal the decision to the County Manager. Any such appeal should be in writing and must include the nature of the employee's dissatisfaction with the conclusions or results of the investigation. Any qualifying disciplinary appeal must follow the grievance process.
- E. Protection against Retaliation. The County will not retaliate against an individual who reports sexual harassment in good faith and such retaliation in and of itself is grounds for disciplinary action, up to and including termination without prior progressive discipline. Retaliation is a serious violation of this **policy** and should be reported immediately.
- F. Discipline. Anyone violating this section will be subject to corrective or disciplinary action up to, and including dismissal.
- G. Unlawful harassment, including sexual harassment, of employees, or members of the public, may be cause for dismissal. If the County determines that harassment has occurred or that counseling, training, disciplinary measures or termination are appropriate, it will take appropriate measures to correct the problem following County disciplinary procedures. Serious cases of harassment constitute cause for termination without prior progressive discipline. Employees who knowingly make false allegations of sexual harassment may be subject to disciplinary action.
- H. Mandatory Training. Periodic mandatory training for all employees, including supervisors, managers and elected officials, will be provided by the County to increase knowledge of the workplace harassment **policy**, state and federal laws and the process for enforcing the **policy**.
- I. Vendors and Customers. Employees should report sexual harassment from vendors, customers, other county employees and the general public utilizing this **Policy**.

APPENDIX E



Socorro County

Outside Employment Agreement

This agreement is required for approval for outside employment as defined in Section 6.9 of the Socorro County Personnel Policy Ordinance No. 2016-002.

Employees are responsible for disclosing and resolving potential conflicts of interest. Outside employment will not interfere with the efficient performance of an employee's duties. Use of County property, facilities or services for outside employment is prohibited.

1. Specific dates of proposed employment or activity: _____
2. Name of employer or recipient of employee services: _____
3. Funding source (private, government entity, etc.): _____
4. Location of where activity will be performed: _____
5. The nature of the activity: _____
6. Time commitment to the activity: (e.g. up to 8 hours per week) _____

Any employee engaging in a personal activity shall take reasonable precautions to ensure that the outside employer or other recipient of services understands that the employee is engaging in such outside activity as a private citizen and not as an employee, agent, or spokesperson of Socorro County.

Print Employee Name: _____

Employee Signature: _____

Date: _____

Print Supervisor Name: _____

Supervisor ☐ Approved ☐ Denied: _____

Date: _____

County Manager ☐ Approved ☐ Denied: _____

Date: _____

APPENDIX F



SOCORRO COUNTY
BOARD OF COUNTY COMMISSIONERS
ORDINANCE № 2016-002

An Ordinance Relating to Administration, Adopting a Personnel Policy; Setting forth Personnel Rules and Regulations Establishing Consistent, Basic Policies and Practices Concerning Relations between the County and its Employees

I. PREAMBLE

WHEREAS, NMSA 1978, Section 3-18-1 provides that municipalities, and also counties pursuant to NMSA 1978, Section 4-37-1, have the power to “protect generally the property of its municipality and its inhabitants” and to “preserve peace and order”; and,

WHEREAS, NMSA 1978, Section 4-37-1 *et seq.* provides that counties may adopt ordinances, not inconsistent with statutory or constitutional limitations placed on counties, to discharge those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the county and its inhabitants; and,

WHEREAS, NMSA 1978, Section 3-13-4 (1965) allows municipalities and counties to establish a personnel merit system for the hiring, promotion, discharge and general regulation of municipal and county employees.

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III. SECTION I: DEFINITIONS

- 1.1 ADMINISTRATIVE LEAVE WITH PAY. Leave with pay granted at the County Manager's discretion after considering the elected official's or department director's recommendation. Bereavement Leave will be considered Administrative Leave with pay. See Section 10.13.
- 1.2 ADMINISTRATIVE LEAVE WITHOUT PAY. Leave without pay granted at the County Manager's discretion after considering the elected official's or department director's recommendation.
- 1.3 ANNIVERSARY DATE. Anniversary date means the date of appointment or reemployment and is changed as of the date of promotion, demotion, reduction, or change to a different technical occupation group, group role, or manager category in the same pay band or pay opportunity.
- 1.4 ANNUAL LEAVE. Leave with pay granted to an employee, after accrual at a specific rate, with approval of the employee's supervisor.
- 1.5 APPEAL. Written request that a decision of a formal grievance be reconsidered at a further stage in the grievance procedure.
- 1.6 APPLICANT. A person who has made formal application on an official County personnel application form for a position with the County.
- 1.7 "AT WILL" EMPLOYEE. See definition of "Unclassified Employee".
- 1.8 BOARD. Board means the Board of County Commissioners.
- 1.9 CASUAL EMPLOYEE. An employee hired to fill a position paid by the hour that may be called on short notice and/or on an occasional basis. Casual employee may also be one who works less than twenty (20) hours a week. A casual employee is paid only for hours worked and does not receive any employment benefits. A casual employee does not have the right to grieve employment decisions.
- 1.10 CLASSIFIED EMPLOYEE. An employee who has served the prescribed probationary period and is eligible for the rights and privileges provided for under these Rules.
- 1.11 CONTINUOUS LENGTH OF COUNTY SERVICE. Continuous length of County service means the length of time for which there have been no breaks in employment as an employee spanning from the employee's Date of Hire, other than annual leave, sick leave, military leave authorized pursuant to Section 10.24 below, or authorized leave without pay for less than six (6) months.
- 1.12 CONTRACT EMPLOYEE. Contract employees are FLSA exempt and are unclassified employees and have a contract approved by the Board. Contract employees serve at the will and pleasure of the Board. Contract employees are not entitled to grievance procedures or holiday premium pay.
- 1.13 COUNTY BUSINESS. The performance of duties of a County employee at an employee's normal workstation or at a location authorized by the County.
- 1.14 COUNTY MANAGER. An individual appointed by the Board to conduct the business of the County and to act as the administrative assistant to the Board aiding and assisting the Board in the exercise of their duties and responsibilities. In the event there is no County Manager, the duties and responsibilities specified in these Rules shall be carried out by an appointed Acting County Manager or the chairperson of the Board.
- 1.15 DATE OF HIRE. Date of Hire is the date indicated as such on the employee's Personnel Action Form indicating New Hire as a regular employee, from which there is continuous

- length of County service. Alternatively, the Date of Hire may be from the date of Reinstatement if reinstatement occurs after a lapse of continuous length of County service.
- 1.16 DEMOTION. An employee may be demoted to a position for which the employee is qualified when the employee would otherwise be terminated. The demotion may be a result of funding shortages. An employee who does not possess the necessary ability to render satisfactory performance in the position presently held may be demoted. Employees may voluntarily request such a demotion. Demoted employees may receive a reduction in pay, per County Manager approval and department head recommendation. Only a regular employee demoted due to disciplinary action is entitled to grievance procedures under Section VIII, Grievance Procedures.
 - 1.17 DEPARTMENT DIRECTOR. An employee hired to fill a position who has the responsibility of supervising and administering a department of County government as determined and designated by the Board.
 - 1.18 DISMISSAL. Dismissal means the involuntary separation or dismissal from employment for disciplinary reasons.
 - 1.19 DOMESTIC PARTNER. An individual who has an exclusive and committed relationship with a County employee and the relationship is the same as, or similar to, a marriage relationship in this state. For purposes of these Rules: 1) domestic partners must have shared a common, primary residence for twelve (12) or more consecutive months, 2) must jointly be responsible for each other's common welfare and share financial obligations, 3) neither can be married or a member of another domestic partnership, 4) both must be at least 18 years of age, and 5) are not related by blood to a degree of closeness that would prevent them from being married to each other in this state.
 - 1.20 DUE PROCESS. The right granted to a regular employee to pre- and post disciplinary hearings for actions of suspension, demotion or dismissal.
 - 1.21 ELECTED OFFICIAL. An individual elected by popular vote or appointed to fill vacancies in elective office, i.e., County Commissioner, County Clerk, County Treasurer, County Sheriff, County Assessor, and Probate Judge.
 - 1.22 EXEMPT EMPLOYEES. All executive, administrative and professional employees as those terms are defined in the federal Department of Labor regulations relating to the Fair Labor Standards Act, and whose compensation is based on a fixed salary.
 - 1.23 GRANT FUNDED EMPLOYEE. A full or part-time employee hired to fill a position that exists only upon receipt of grant funds. This position is terminable-at-will if funding is not received or upon expiration of the grant agreement.
 - 1.24 GRIEVANCE HEARING. A formal hearing conducted at the request of an employee who is grieving a promotion, suspension, demotion, involuntary transfer, or dismissal as set forth in these Personnel Rules and Regulations.
 - 1.25 GRIEVANCE. A formal complaint by an employee concerning actions taken by management which result in loss of pay to the employee and/or privileges to the employee including suspension, demotion, involuntary transfer or dismissal.
 - 1.26 HEARING OFFICER. The individual who is charged with the responsibility of hearing and deciding allegations of improper promotion, post-disciplinary action matters of demotion, suspension and dismissal.
 - 1.27 IMMEDIATE FAMILY. Spouses, domestic partners, children, parents, siblings, grandparents, grandchildren, like in-laws, and like step-relationships and persons with legal custodial relationships.

- 1.28 **LAYOFF.** The involuntary separation of an employee from County service without fault on the part of the employee, due to the abolition of a position, reorganization, lack of work, or lack of funds.
- 1.29 **MEDICAL DISABILITY DISMISSAL.** The dismissal of an employee from County employment when the employee is unable to perform the essential functions of the position with reasonable accommodation(s) that do not impose undue hardship upon the County, due to a medical condition, when there is corroborating documentation of this condition from a licensed health-care professional. Although Medical Disability Dismissal is not disciplinary in nature, employees are nonetheless entitled to participate in the County's pre-determination and grievance procedures if they are subject to dismissal.
- 1.30 **NONEXEMPT EMPLOYEES.** All employees who are not exempt employees as defined in the federal Department of Labor regulations relating to the Fair Labor Standards Act.
- 1.31 **PART-TIME EMPLOYEE.** An employee who works more than twenty (20) hours and less than forty (40) hours per week. Employees working twenty (20) hours or more on a consecutive basis are eligible for fringe benefits.
- 1.32 **PRE-DISCIPLINARY HEARING.** A hearing conducted by the County Manager or his/her designee before the imposition of the disciplinary actions of suspension, demotion or dismissal.
- 1.33 **PROBATIONARY EMPLOYEE.** A full-time or part-time employee hired to fill a regular position that has not yet completed the nine (9) month probationary period of employment during which time the employee is terminable-at-will. During this probationary period the supervisor is required to evaluate the employee on a monthly basis.
- 1.34 **PROMOTION.** A promotion is the change of an employee from a position in one classification usually to a position in a classification with a higher salary range.
- 1.35 **REGULAR EMPLOYEE, Full-time:** An employee who has successfully completed probation with a work schedule of at least forty (40) hours per week. **Part-time:** An employee who has successfully completed probation with a work schedule of more than twenty but less than forty (40) hours per week.
- 1.36 **RESIGNATION.** Resignation means the voluntary separation of an employee from County service.
- 1.37 **SAFETY-SENSITIVE or SECURITY-SENSITIVE POSITION.** A safety-sensitive or security-sensitive position is a position approved as such by the elected official or department director and the County Manager, including a supervisory or managerial position in which impairment by drug or alcohol use would constitute an immediate and direct threat to public health or safety and includes, but is not limited to, law enforcement officers, detention officers, employees who are required to regularly carry a firearm, drivers required to have a CDL license, have access to confidential information and/or receive calls for public service and employees who regularly transport other people as their principal job or otherwise designated so by the County Manager.
- 1.38 **SICK LEAVE.** Leave with pay granted to employees when personal illness, injury, pre-arranged medical or dental examination, quarantine, therapy, counseling or other necessary treatment keeps the employee from performing the duties of the position or when a member of the immediate family is ill, injured or requires treatment for the described reasons.
- 1.39 **SUSPENSION.** An involuntary leave of absence, with or without pay, for disciplinary reasons, or pending investigation of allegations made against an employee, or for pending determination of the grievance procedure.

- 1.40 TEMPORARY EMPLOYEE. An employee hired to fill a position that will temporarily fill a position that is vacant due to the absence of an employee or for some other requirement. Temporary employment will not exceed a six (6) month period. All temporary employees are terminable-at-will, do not accrue leave, and do not receive employee benefits.
- 1.41 TERM EMPLOYEE. An employee that is hired to fill a position for a specific time period based on Board funding for a specified period of time, funding source or similar situation, not to exceed two years in duration.
- 1.42 TRANSFER. The voluntary or involuntary movement of an employee, from one department or office to another department or office in the County service.
- 1.43 UNCLASSIFIED EMPLOYEE (or At-Will Employee). An employee who can be dismissed at any time, with or without cause. The terminable-at-will employees in the County shall be: probationary employees; temporary employees; contract employees; and others designated by the Commission. Terminable-at-will employees are not entitled to the grievance procedures provided for in these Rules.

IV. SECTION II: EMPLOYMENT STATUS

2.1 Position Specifications. The County shall establish a set of position specifications for all positions. Position specifications shall include title, tasks, duties, responsibilities and minimum qualifications. They will also specify knowledge, skills, education, and abilities required of applicants. See Definitions for description of employee position. An employee may qualify for one or more of the following position descriptions:

- A. Probationary Employee. A full-time or part-time employee hired to fill a regular position that has not yet completed the nine (9) month probationary period of employment during which time the employee is terminable-at-will. During this probationary period, the supervisor is required to evaluate the employee on a monthly basis.
- B. Temporary Employee. An employee hired to fill a position that will temporarily fill a position that is vacant due to the absence of an employee or for some other requirement. Temporary employment will not exceed a six (6) month period. All temporary employees are terminable-at-will, do not accrue leave, and do not receive employee benefits.
- C. Regular Employee. **Full-time:** An employee who has successfully completed probation with a work schedule of at least forty (40) hours per week. **Part-time:** An employee who has successfully completed probation with a work schedule of more than twenty but less than forty (40) hours per week.
- D. Part-time Employee. An employee who works more than twenty (20) hours and less than forty (40) hours per week. Employees working twenty (20) hours or more on a consecutive basis are eligible for fringe benefits.
- E. Grant Funded Employee. A full or part-time employee hired to fill a position that exists only upon receipt of grant funds. This position is terminable-at-will if funding is not received or upon expiration of the grant agreement.
- F. Casual Employee. An employee hired to fill a position paid by the hour that may be called on short notice and/or on an occasional basis. Casual employee may also be one who works less than twenty (20) hours a week. A casual employee is paid only for hours worked and does not receive any employment benefits. A casual employee does not have the right to grieve employment decisions.

- G. **Unclassified Employee.** An employee who can be dismissed at any time, with or without cause. The terminable-at-will employees in the County shall be: probationary employees; temporary employees; contract employees; and others designated by the Commission. Terminable-at-will employees are not entitled to the grievance procedures provided for in these Rules.
- H. **Classified Employee.** An employee who has served the prescribed probationary period and is eligible for the rights and privileges provided for under these Rules.
- I. **Contract Employee.** Contract employees are FLSA exempt and are unclassified employees and have a contract approved by the Board. Contract employees serve at the will and pleasure of the Board. Contract employees are not entitled to grievance procedures or holiday premium pay.
- J. **Term Employee.** An employee that is hired to fill a position for a specific time period based on Board funding for a specified period of time, funding source or similar situation, not to exceed two years in duration.
- K. **Temporary Agency Employees.** Individuals who perform work for the County through a contract with an independent third-party, like a temporary placement or employment agency. These individuals are not County employees and are therefore not entitled to any benefits or rights detailed in this policy.

V. SECTION III: GENERAL PROVISIONS

3.1 Purpose. The purpose of these Personnel Rules and Regulations (Rules) is to establish consistent, basic policies and practices concerning relations between the County and its employees. These Rules further establish the formal grievance procedure available to regular employees to hear their grievances with respect to promotions, demotions, suspensions, involuntary transfers and dismissal, and provide the method by which a personnel hearing officer is chosen to hear formal grievances. Independent contractors are not subject to the provisions of the Rules.

3.2 Scope. Definite rules and regulations cannot be readily formulated for every possible problem and situation. These Rules serve as a general basis and guide for the proper, efficient, and effective management and administration of personnel matters of the employees of the County. The Rules contained herein replace and supersede all previously issued personnel rules regulations and ordinances applicable to employees of the County as the subject matter is covered in the County Code of Conduct and these Rules.

3.3 Amendment of Rules & Regulations. There shall be no resolution or other action of the Board or other County officials, which is inconsistent with these Rules, except by amendment of these Rules. The Board reserves the right to amend these Rules at its discretion. The County Manager may issue interpretative memoranda or Administrative Instructions, not inconsistent with these Rules, which further detail the interpretation of these Rules.

3.4 Employee Knowledge & Information of Rules & Regulations. The elected official, department director, or Human Resources Manager shall provide a copy of these Rules to present employees and to all new employees with instructions to read and be familiar with all provisions of these Rules. Employees shall sign for a copy upon receipt.

3.5 Equal Employment Opportunity Rules & Regulations. Individuals will not be discriminated against on the grounds of race, age, religion, color, national origin, ancestry, sex, marital status, physical or mental handicap, medical condition, sexual orientation or gender identity, in consideration for employment, promotions, transfers, duration of employment, compensation, terms, conditions, or privileges of employment by the County.

3.6 Administration by County Manager. The County Manager or designee shall administer and interpret the personnel system and the terms of these Rules and its amendments, and all future approved operating procedures. The County Manager shall recommend to the Board any necessary amendments or revisions to the Rules.

3.7 Duties of All Employees. All employees shall adhere to the provisions of these Rules. Elected officials, department directors, division managers, Human Resources Manager and the County Manager further shall be responsible for seeing to the adherence and enforcement of these Rules.

3.8 Chain of Command & Conflict Resolution. In order to maintain open communication between County and its employees and to ensure that employees' general working concerns and conflicts are addressed quickly and efficiently, the County will utilize the chain of command protocol. Employees have the right to present or make known their complaints, free from interference, restraint, discrimination, coercion, or reprisal. This provision does not apply to serious complaints such as harassment, dangerous working conditions, workplace violence and discrimination, which are otherwise addressed by the policy.

It is required that an employee discusses his/her concerns first with his/her immediate supervisor. Departments should utilize alternative methods of dispute resolution, including mediation, wherever appropriate to resolve conflicts in the workplace and encourage positive working relationships between employees and management.

If the concern cannot be handled at this level, the employee may request a meeting with the next level supervisor, up to the elected official or department director of his/her department. If it becomes necessary to pursue the issue beyond the department director or supervisor level, or if the concern cannot be handled or remedied within the department due to supervisory conflict, it may be appealed to the County Manager within ten (10) calendar days of the department's final decision. The County Manager or designee may serve as a hearing officer and the County Manager's decision on the complaint shall be final and binding.

3.9 Conflict with Collective Bargaining Agreements. If any provision of this Resolution is in conflict with a written Employee Agreement duly adopted by the Board pursuant to the Public Employee Bargaining Act [NMSA 1978, §§10-7E-1 to 10-7E-26], the terms of the Collective Bargaining Agreement shall control.

A. 3.10 Code of Ethics.

- A. The ethical county employee shall:
 - 1. Properly administer the affairs of the county.

2. Promote decisions which only benefit the public interest.
 3. Actively promote public confidence in county government.
 4. Keep safe all funds and other properties of the county.
 5. Conduct and perform the duties of the office diligently and promptly dispose of the business of the county.
 6. Maintain a positive image to pass constant public scrutiny.
 7. Evaluate all decisions so that the best service or product is obtained at a minimal cost without sacrificing quality and fiscal responsibility.
 8. Inject the prestige of the office into everyday dealings with the public employees and associates.
 9. Maintain a respectful attitude toward employees, other public officials, colleagues and associates.
 10. Effectively and efficiently work with governmental agencies, political subdivisions and other organizations in order to further the interest of the county.
 11. Faithfully comply with all laws and regulations applicable to the county and impartially apply them to everyone.
- B. The ethical county official shall not:
1. Engage in outside interests that are not compatible with the impartial and objective performance of his or her duties.
 2. Improperly influence or attempt to influence other officials to act in his or her benefit.
 3. Accept anything of value from any source which is offered to influence his or her action as a public official.
 4. The ethical county official accepts the responsibility that his or her mission is that of servant and steward to the public.

VI. SECTION IV: RECRUITMENT AND SELECTION

4.1 Purpose. It is the policy of the County to select and recruit the best qualified and the best-suited persons for all positions in an open and competitive manner, to ensure no discrimination and to ensure equal employment opportunity for all applicants and employees. The County will comply with all applicable federal and state laws and regulations.

4.2 Recruitment of Applicants. The elected official or department director shall notify the County Manager and the Human Resources Manager of the position to be filled. The Human Resources Manager shall issue job announcements through such media deemed appropriate to ensure open and competitive recruitment of individuals with sufficient time to ensure reasonable opportunity for persons to apply. The Human Resources Manager shall submit announcements and receive all applications through the Administrative Office. All publications for job announcements shall include reference to Socorro County as “*An Equal Opportunity Employer*”.

4.3 Temporarily Filling Vacant Positions. Vacant positions may be filled without public announcement by temporary employees on a temporary basis to replace regular employees on leave and pending the selection of a regular employee for a position or otherwise for a period not to exceed six months.

4.4 Best Qualified & Best-Suited Applicant Determination. The best qualified and best-suited applicant is determined by the elected official or department director, in conjunction with the Human Resources Director, based on minimum qualifications of education, experience, abilities, skills and past work experience as specified in written position specifications for each position. Personal interviews shall be conducted with at least three (3) applicants, or if less than three applications are received, all applicants shall be interviewed.

4.5 Selection. The elected official, department director or designated representative shall review all applications for positions in their departments, in conjunction with the Human Resources Director, and make their recommendation to the County Manager. Final appointment shall be made by the elected official/department director, in conjunction with the Human Resources Director, with approval of the County Manager based on the best qualified and the best-suited applicant for the position and the status of the County budget.

4.6 Pre-Selection Prohibited. Posted and advertised positions shall not be promised to any person prior to recruitment and selection to ensure the integrity and fairness of the selection process.

4.7 Ineligibility for Hire and Rehire. Applicants shall be considered ineligible for hire or rehire by the county if the applicant has:

- A. knowingly made any false statement or omission on the employment application;
- B. not met the requirements of the position;
- C. failed to complete pre-employment drug and alcohol screening or physical examinations or other requirements as directed by the County, except that an applicant not meeting drug and alcohol screening testing may reapply after a one-year period. An applicant who has failed a physical exam due to a pre-existing correctable medical condition may reapply at any time after the condition is corrected;
- D. not met the criteria for insurance or bonding as required by County or state law;
- E. been dismissed from County service as a disciplinary measure in five (5) years prior to the date of application;
- F. not been certified by a physician that the applicant can perform the physical requirements or the essential requirements of the position;
- G. been convicted for driving while under the influence of alcohol or drugs in the three years prior to the date of the application, if a valid New Mexico driver's license and class is required for the position; or
- H. been convicted of a felony as described in NMSA 1978, §28-2-1, et seq. or convicted of a felony or infamous crime as defined in NMSA 1978, §10-1-3 and by its nature conflicts with the duties and responsibilities of the position;
- I. not meeting the requirements of state or federal funding agreements; and
- J. the above list is not necessarily exhaustive and may not include all of the reasons that would make an applicant ineligible for hire or rehire.
- K. resigned with pending employment charges pursuant to section 7 and 8 in five (5) years prior to the date of application.

4.8 Testing. The County may require an applicant to submit to testing for certain bona fide occupational qualifications to determine employment eligibility. This may include, without limitation pre-employment physical and drug and alcohol screening examinations for all but elected officials.

4.9 Commencement of Work. No applicant for employment shall commence work or be considered employed by the County until an approval of the selection is made in writing by the County Manager, Finance Director and Human Resources Director on a Personnel Action Form (PAF) and all pre-employment testing and relevant backgrounds checks have been completed. Payroll shall not enter the applicant into the County's system prior to receipt of a completed and signed PAF.

VII. SECTION V: CHANGES IN EMPLOYMENT STATUS

5.1 Promotion. The County encourages the professional growth of its employees and rewards the initiative, creativity, effort, commitment, and diligence of its employees through the promotional process. County employees are encouraged to take advantage of promotional opportunities and apply for higher paying positions for which they qualify.

5.2 Evaluation Period. Regular employees that are promoted or voluntarily transferred between Departments to a vacant position will be placed in an evaluation period. This is a period of evaluation and training of the employee in the new position. An evaluation period is for ninety (90) days. If performance while on the evaluation period is deemed unsatisfactory, in writing, by the department director or elected official, the employee may be returned to his/her previous position if that position, if available, placed in another vacant position for which the employee is qualified, if available, or dismissed at the discretion of the County Manager if no such positions are available. Employees being transferred back to previous positions receive the same pay received before their promotion.

5.3 Demotion. An employee may be, but is not required to be, demoted to a position for which the employee is qualified when the employee would otherwise be dismissed because the employee's position is being abolished due to lack of funds or lack of work and there are no appropriate vacancies at the same level; when the employee's job is being reclassified; when the employee does not demonstrate the necessary ability to render satisfactory performance in the position presently held; or when the employee voluntarily requests such a demotion, provided there is a position available.

A. 5.4 Transfers

- A. General Transfer. Employees may be moved from one position to another of the same grade and pay range either voluntarily or involuntarily. An employee may be transferred if it is in the best interest of the County. Voluntary transfers are not grievable. Shifting department or office needs may require that an employee be temporarily or permanently transferred from one geographic location to another within a department or office. An employee may be transferred from one position to another position at the same salary range within a department or office. If such a transfer involves a probationary employee, time served in the former position shall be credited toward achievement of regular full-

time status and salary increases, accumulated annual leave and sick leave shall be retained. The County Manager must approve all transfers.

- B. Voluntary Transfers between Departments. An employee who voluntarily transfers from one department to a vacant position in another department may be required to accept the new position at its entry level salary depending on his/her experience and qualifications required for the new position. The transferred employee will be subject to an evaluation period of ninety (90) days, as specified in Section 5.2.
- C. Medical Transfer. An employee who has been certified by a licensed physician as being physically unable to perform the duties of the employee's current position may be transferred as reasonable accommodation to an available position in which the physician certifies the employee is able to work, and for which the employee is qualified to perform. If no such position is available, the employee is subject to the leave without pay provisions of these Rules.

5.5 Resignation. An employee voluntarily resigning shall submit in writing to the department director or elected official and the Human Resources Manager, a two-week minimum notice of resignation. An employee's final paycheck may be withheld pending submission of a written notice of resignation. Unless unique circumstances exist, failure to provide timely written notice may be grounds for refusal of future employment with the County. Unauthorized absence from work for a period of three (3) consecutive regularly scheduled working days shall be considered a voluntary resignation.

5.6 Layoff Procedure. Upon directive of the Board, the County Manager shall make the determination for layoffs after consulting with elected officials and department directors. When layoffs of more than one employee are required, layoffs shall be determined using the following criteria:

- A. Position in order of priority:
 - 1. Temporary employees,
 - 2. Probationary employees,
 - 3. Casual employees,
 - 4. Part-time employees;
- B. Performance of the employee compared to other employees being laid off in the same or similar positions;
- C. Value of the employee's position to the critical operation of the County or department, such as safety-sensitive or security-sensitive positions;
- D. Length of continuous service with the County; and
- E. Funding source.

5.7 Layoff Return Privileges. Any full-time or part-time regular employee who is laid off and returns within twelve (12) months of layoff shall not have to serve a probationary period if the employee return to his/her previous position and the probationary period has been served. A laid off-returning employee will be credited for all unused sick leave remaining and not compensated for at the time of layoff if the employee returns within the twelve (12) month period. Layoff privileges end:

- A. Twelve (12) months after the effective layoff date;

- B. After an employee has refused employment in a position for which the employee is qualified and/or for which the pay rate is the same or higher than the position previously held; or
- C. When a laid off employee accepts another position with the County. A laid off employee accepting another position with the County shall serve the required evaluation period.

5.8 Medical Disability Dismissal. Employees shall be involuntarily terminated upon completion of the twelve week family/medical leave if the employee is physically unable to perform the essential duties of the employee's position with reasonable accommodation(s) that do not impose undue hardship upon the County, as certified by a qualified, licensed physician. The provisions of this subsection are subject to the provisions regarding Workers' Compensation laws and "On the Job Injury Leave" found in Sections 10.16 and 10.17 of these Rules.

5.9 Reinstatement. Individuals that are reinstated as regular employees to the same or like position are not entitled to any previous benefits such as sick leave which may have been accrued during previous employment with the County except as provided in Section 5.7. Officials who were County employees prior to being elected to an office, with no discontinuance of service to the County, shall retain all accrued benefits prior to being elected and their years of service as elected officials shall be included for all other applicable benefits afforded under these Rules.

VIII. SECTION VI: CONDITIONS OF EMPLOYMENT

6.1 Probationary Period for New Hires. An employee hired to fill a position shall serve a probationary period of nine (9) months, beginning on the first day of work, during which time the employee is terminable-at-will.

- A. Law enforcement officers in the Sheriff's Department and detention officers shall serve a one (1) year probationary period, beginning on the first day of work, during which time the employees are terminable-at-will. If a law enforcement officer is not certified prior to hiring, the law enforcement officer must obtain law enforcement certification within one year of employment. Uncertified law enforcement officers shall be terminated on the six-month anniversary of hire if they are not accepted or enrolled in a basic police officer training program certified by the Law Enforcement Academy Board.
- B. The probationary period is an integral part of the evaluation process and is utilized for observing the employee's performance and obtaining the most effective adjustment of a new employee to the position. Employees will be evaluated one-month prior to the completion of their probationary period. The employee must achieve a satisfactory performance or better by the end of the probationary period before the employee can become a regular employee entitled to all of the rights and benefits of that status.
- C. If the employee satisfactorily completes the probationary period, the employee will become a regular employee. If the employee does not satisfactorily complete the probationary period, the employee may be dismissed, or upon the recommendation of the department head or elected official and with final approval of the County Manager, the probationary period may be extended for a period of ninety (90) days.
- D. In the event a probationary employee is on extended leave for any reason, the probationary period will be extended in an amount equal to that leave period.

- E. Probationary employee provisions. A probationary employee:
1. can be dismissed, without cause, at any point during the probationary period;
 2. is not eligible for personal holiday leave;
 3. cannot grieve disciplinary actions;
 4. is allowed to use sick and annual leave as soon as it is accrued with approval of supervisor;
 5. shall accrue annual leave and sick leave, consistent with provisions of these Rules upon being hired. Employees terminated during their probationary period are only entitled to payment of annual leave.
 6. is eligible for health insurance and other optional benefits, as provided in Section 9.6.

6.2 Temporary Employee Hired to a Regular Position. An employee who fills a temporary position and is subsequently hired to fill a regular position shall serve the required probationary period. The beginning date of the probationary period is the date the employee changes from temporary to regular status.

6.3 Former County Employees Hired to a Position. A former County employee re-hired in the same or like position, or re-hired at any time to fill a new position, shall serve the required probationary period.

6.4 Permitted Political Activities. All employees:

- A. may engage in political activity on their own time;
- B. are encouraged to register to vote, and to exercise the right to vote;
- C. have a right to express their opinion on all political subjects and candidates;
- D. may serve as convention delegates;
- E. may sign nominating petitions and make voluntary contributions to political organizations and candidates; and
- F. may serve as an election or poll official.

6.5 Prohibited Political Activities. All employees, department directors and elected officials are prohibited from:

- A. Using official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office, or for any other political purpose.
- B. Directly or indirectly coercing, attempting to coerce, commanding or advising a state or local official or employee to pay, lend, or contribute anything of value to a party, committee or organization, agency, or person for a political purpose.
- C. Threatening to deny promotions to or retaliating in any way any employee who does not vote for or support certain candidates, requiring employees to contribute to a political fund or candidate, influencing subordinate employees to buy tickets to political fund-raisers and similar events, advising employees to take part in political activity and matters of a similar nature.
- D. Engaging in political activity while on duty.

- E. Using any County-owned equipment, supplies, vehicles, space or property for political purposes.

A. 6.6 Public/Political Office

- A. Employees covered by the provisions of the Hatch Act [5 U.S.C. Sections 1501 to 1508] may not be candidates for partisan political office elections.
- B. Being a local school board member or a member of any post-secondary educational institution's governing body shall not be construed as holding political office.
- C. Employees may not hold a County political office and be a regular full-time, or at-will full-time, employee with the County.

6.7 Nepotism. In order to avoid the practice or appearance of nepotism in employment, near-relatives shall not work in the same department when there is a supervisory relationship between them.

- A. Near-relatives, as used in this ordinance, includes father/mother and spouse, son/daughter and spouse, grandparents, grandchildren and spouse, uncle/aunt and spouse, first cousin and spouse, nephew/niece and spouse, brother/sister and spouse. This also includes unrelated persons sharing a spousal/domestic partner relationship as well as adopted, step relatives in the relationships listed above.
- B. When there is a change in assignment or relationships among County employees, which lead to the supervision of or by other near-relatives, the employee must inform the elected official or department director in writing within five (5) working days. The elected official and department director, subject to the approval of the County Manager, will remove the employee from the supervision of a near relative within five (5) working days (excepted in Section 6.7 D). Such action may include involuntary transfer of the employee to another position, demotion of the supervisor or termination of the employee.
- C. Any problem arising from such a situation should be referred to the County Manager by the elected official or department director for review.
- D. Removal of a supervisory relationship is excepted in the event a first cousin (or spouse of a first cousin) of a current county employee with over one-year employment with the department, is duly elected to a County Office over that employee's department.

6.8 Conflict Ban. No employee shall engage in any business or transaction or accept private employment or other public employment which is incompatible with the proper discharge of the employee's responsibilities, or which gives the appearance of impropriety, or is prohibited by federal, state or county law or county policy.

6.9 Outside Employment. Employees may not, directly or indirectly, engage in any outside employment or financial interest which may conflict, in the County's opinion, with the best interests of the County or interfere with the employee's ability to perform his/her assigned County job. Examples include, but are not limited to, outside employment which:

- A. Prevents the employee from being available for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular part of the employee's job;
- B. Is conducted during the employee's work hours;
- C. Utilizes County telephones, computers, supplies, or any other resources, facilities or equipment;
- D. Constitutes employment, contractual commitment or self-employment which conflicts with Section 15.14, below; or
- E. May reasonably be perceived as a conflict of interest, gives the appearance of impropriety or otherwise discredits public service.

An employee who chooses to have an additional job, contractual commitment or self-employment, may do so provided he/she provides prior notification, on the prescribed form, to his/her elected official/department director and the County Manager, and obtains prior approval from his/her elected official/department director and the County Manager. Any outside employment that could potentially interfere with emergency call-out situations must be reported to the employee's department elected official/director. If, after accepting outside employment, situations arise which could interfere with the employee's job, the employee needs to immediately report these situations to his/her elected official or department director.

6.10 Workplace & Sexual Harassment. The County will not tolerate harassment or sexual harassment.

- A. Socorro County is committed to taking reasonable steps to provide a professional working environment free from all forms of harassment, whether based on sex, sexual orientation, gender identity, race, color, religion, national origin, age, disability or any other protected classification. Although this policy focuses on sexual harassment, it applies equally to all forms of harassment based on a protected classification and the procedures described in this policy shall be followed for all such harassment. This policy also applies when a County employee is subject to harassment in the workplace by someone outside the County.
- B. All County employees and members of the public have a right to be free from harassment from employees on official duty for the County. County employees are forbidden from engaging in harassing conduct in the workplace. Employees are also forbidden from engaging in conduct outside of work that creates a hostile work environment at work. Any act of harassment based upon a protected classification is a violation of county policy.
- C. Harassment Definition: verbal or physical conduct by any employee that, bullies, torments, persecutes, disrupts or interferes with another employee's work performance or that creates an intimidating, offensive or hostile environment.
- D. Sexual Harassment Definition: According to the EEOC, sexual harassment is any unwelcome sexually oriented behavior, demand, comment or physical contact initiated by any individual at the work place when:
 - 1. Submission to such conduct is made either explicitly or implicitly, a term or condition of an individual's employment;

2. Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions/opportunities affecting such individual, or
 3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance, or creating an intimidating, hostile or offensive working environment.
- E. Examples. Sexual harassment can occur in a variety of forms. Harassing conduct based on gender often is sexual in nature but sometimes is not. This policy forbids harassment based on gender regardless of whether the offensive conduct is sexual in nature. Sexual harassment is unacceptable in the workplace itself and in other work-related settings such as business trips and business-related social events. The following are some common examples of behaviors or situations that constitute sexual harassment:
1. Oral or written sexual statements, comments, jokes, questions or innuendoes;
 2. Display of sexually oriented visual items such as calendars, cartoons, photos or posters;
 3. Assault, molestation or unwelcome physical contact such as kissing, touching, patting, pinching, brushing against or hugging;
 4. Requests, demands or subtle pressure for sexual activity;
 5. Threats or retaliation against an employee who refuses unwelcome sexual attention or sexual behavior;
 6. Overt promises or practices that imply preferential treatment for any employee in exchange for dates, sexual attention or sexual behavior;
 7. Sexual insults and suggestions including, but not limited to, lewd remarks, obscene gestures and sexually suggestive materials;
 8. Any conduct that ridicules, or is malicious or abusive to, an individual because of the individual's gender;
 9. Pressuring an employee to go out on a date;
 10. Consensual "romantic" or sexual relationships between a supervisor/manager and an employee; or
 11. Asking employee questions of a sexual nature.
- F. Responsibility to Report Harassment. Any employee, who believes they are a victim of harassment because of their protected classification, should first confront the person or persons responsible for the offensive behavior and indicate that it is unwelcome and should be stopped. The employee also has an obligation to promptly report the matter to the Human Resources Director or the County Manager. These are the individuals who are authorized by this policy to receive and act upon complaints of harassment or discrimination on behalf of the County. All employees who observe, or become aware of harassment, also have an obligation to bring the matter to the attention of the Human Resources Director or County Manager, even if they are not the victim of harassment.
- G. Investigation of Complaints. It is the County's intent to provide a fair process for investigating and resolving complaints of harassment. The County will investigate all reports of alleged harassment. Information associated with the investigation will be kept confidential, to the extent possible, and consistent with the County's obligation to investigate promptly and thoroughly. All employees are required to cooperate with any investigation by the County in response to an allegation of harassment. Refusal to

cooperate in an investigation may result in disciplinary action, up to and including termination.

- H. Appeal. Any affected employee dissatisfied with the conclusion or results of an investigation, or with any corrective measures taken, may appeal the decision to the County Manager. Any such appeal should be in writing and must include the nature of the employee's dissatisfaction with the conclusions or results of the investigation. Any qualifying disciplinary appeal must follow the grievance process.
- I. Protection against Retaliation. The County will not retaliate against an individual who reports sexual harassment in good faith and such retaliation in and of itself is grounds for disciplinary action, up to and including termination without prior progressive discipline. Retaliation is a serious violation of this policy and should be reported immediately.
- J. Discipline. Anyone violating this section will be subject to corrective or disciplinary action up to, and including dismissal.
- K. Unlawful harassment, including sexual harassment, of employees, or members of the public, may be cause for dismissal. If the County determines that harassment has occurred or that counseling, training, disciplinary measures or termination are appropriate, it will take appropriate measures to correct the problem following County disciplinary procedures. Serious cases of harassment constitute cause for termination without prior progressive discipline. Employees who knowingly make false allegations of sexual harassment may be subject to disciplinary action.
- L. Mandatory Training. Periodic mandatory training for all employees, including supervisors, managers and elected officials, will be provided by the County to increase knowledge of the workplace harassment policy, state and federal laws and the process for enforcing the policy.
- M. Vendors and Customers. Employees should report sexual harassment from vendors, customers, other county employees and the general public utilizing this Policy.

6.11 Performance Evaluations.

- A. Employees other than probationary employees shall be evaluated at least annually, and may be evaluated upon the following conditions:
 - 1. A change of status.
 - 2. Along with a recommendation of any type of salary increase, including step increases if available.
 - 3. Demotion, suspension or corrective action.
 - 4. Any other time that a department director or immediate supervisor wishes to make the performance of an employee a matter of record.
- B. **Contents of Evaluation.** A performance evaluation shall contain an overall appraisal of the employee's performance. Forms may be provided or approved by the Human Resources Manager. All evaluations will be signed by the employee, supervisor submitting the evaluation and the Human Resources Manager.
- C. **Employee Rebuttal.** The employee may submit a written rebuttal statement to the performance evaluation that will be attached to and become a part of the performance evaluation. The rebuttal shall be submitted within ten (10) days of the evaluation.

- D. **Unsatisfactory Evaluation.** In the event a regular employee receives an overall evaluation of unsatisfactory performance, the employee shall be warned that the failure to meet reasonable performance standards of the position within a set time period, not to exceed ninety (90) days, shall result in dismissal. This process does not apply to probationary evaluation.

6.12 Fitness for Duty.

The County endeavors to provide a safe and productive work environment for the benefit of its employees and the public they serve. Employees are expected to manage their health in such a way that they can safely and effectively perform their essential job functions and to discuss with their supervisor any circumstance that may impact their ability to do so. The County may require professional evaluation of an employee's physical or mental capabilities to determine his or her ability to perform essential job functions. Such evaluations are conducted by an independent third-party, licensed health care professional and are undertaken only after careful review by Human Resources. To the extent possible, the County will protect the confidentiality of the evaluation and results.

This evaluation process is for only those situations where reliable observation indicates that the employee may not be physically or mentally able to perform the essential functions of his or her position due to a physical or mental condition. It is not intended to be a substitute for sick or medical leave request, workers' compensation claims, allegations of violence in the workplace, situations where there is an immediate threat of harm or for performance management disciplinary process.

- A. **Procedures.** If, by observation of an employee's behavior or by receipt of reliable information, the County has reason to believe that an employee may lack the ability to perform the essential functions of his or her position due to a physical or mental condition, the following steps will be taken:
1. The department head or elected official will provide Human Resources with detailed information regarding the reason for and circumstances leading up to the fitness-for-duty referral, including information on essential job functions, evidence of the employee's inability to perform those functions effectively, and any attempts at resolving the matter.
 2. The Human Resources Director will review the information provided in the referral, along with a current job description of the essential functions of the employee's position. If it is determined that a fitness-for-duty evaluation is necessary, the Human Resources Director or designee will notify the employee in writing.
 3. Human Resources will determine the independent, third-party, licensed health care professional who will perform the evaluation, send a written request for an evaluation to him or her, and will schedule the evaluation at the earliest opportunity.
 4. Failure on the employee's part to comply with a scheduled fitness-for-duty evaluation constitutes insubordination and will be cause for disciplinary action, including termination.
 5. All costs of the health care services performed by the health care professional as part of the evaluation will be paid by the County.

6. If the County Manager deems it necessary, the employee may be placed on temporary, paid administration leave until the evaluation is completed.
 7. The employee will be requested to sign a voluntary written authorization allowing the health care professional to provide certain information obtained through the evaluation to the County. If no authorization is executed, the County may nevertheless obtain a description of the functional limitations of the employee that may limit the employee's ability to perform the essential function of his or her job, but no statement of medical cause may be disclosed.
 8. Insofar as feasible, the results of the evaluation will be treated as confidential, kept in a separate file within Human Resources, and the minimum necessary information will be shared only with those who need to know the results for legitimate county business purposes.
 9. If it is determined that the employee is not able to perform the essential functions of his or her position, Human Resources will attempt to determine if there is a reasonable accommodation that will allow the employee to continue working. If an appropriate accommodation cannot be made other options will be identified and communicated to the employee as available.
 10. If it appears that any functional limitations on the employee's ability to perform the essential functions of his or her position are the result of a work-related injury, the matter will be referred to Workers Compensation for the processing of a worker's compensation claim.
 11. All actions taken in carrying out this policy will comply with state and federal laws, as well as County policies and procedures and applicable contractual provisions.
- B. Evaluation and Results. The fitness-for-duty evaluation will not be conducted for the purpose of diagnosis or treatment, but rather for the purposes of determining and evaluating the employee's ability to perform the essential functions of the job. Human Resources will provide the evaluator with a description of the essential function of the employee's position prior to the evaluation. The evaluator will be asked by Human Resources to release only that information as permitted under this policy or otherwise permitted or required by law. The evaluator will be asked to complete a written report containing only the following information.
1. A conclusion regarding the determination of fitness for duty;
 2. A description of the nature and extent of any functional limitation on the employee's ability to perform his or her job;
 3. A description of the expected duration of each such functional limitation; and
 4. An opinion as to whether or not the functional limitation may be the result of a work-related injury as related by the employee; further medical examination or investigation may be necessary to determine if the functional limitation arises out of, or has been caused by, the employee's occupation.
- C. Insofar as feasible, the results of the evaluation will be treated as confidential, and will be shared only with those who need to know the results for legitimate county business purposes. However, where the employee has placed at issue his or her medical history, mental or physical condition, or treatment, the relevant information may be used and disclosed by the County in connection with such proceedings.

- D. The County Manager will make a decision regarding the employee's status, including but not limited to the employee's return to duty or removal of the employee from any duties pending treatment and re-evaluation, depending on the results of the evaluation and the recommendation of the evaluator. In certain circumstances the employee may be subject to medical disability termination pursuant to Section 5.8 of this Ordinance.

IX. SECTION VII: BASIS FOR EMPLOYEE DISCIPLINE

7.1 Discipline. Disciplinary actions for employees are based on just cause, in order to promote the efficiency of the services rendered by the County and the operation of its respective departments and offices. Disciplinary actions will be consistent with governing laws and regulations and will be taken without regard to race, age, religion, color, national origin, ancestry, sex, sexual orientation, physical or mental handicap or medical condition. No employee will be disciplined for refusing to perform an unlawful act.

7.2 Definition of Just Cause. Just cause is defined as any conduct, action or inaction arising from or directly connected with the employee's work, which is inconsistent with the employee's obligation to the County and reflects the employee's disregard of the County's interest. Just cause includes, but is not limited to, inefficiency, incompetence, misconduct, negligence, insubordination, performance which continues to be inadequate after reasonable efforts have been made to correct the performance problems, or conviction of a felony or misdemeanor involving moral turpitude and the misdemeanor conviction directly relates to the employee's particular job, trade, or profession.

7.3 Disciplinary Action. The County Manager, elected officials, department directors and supervisors have the authority to discipline an employee under their supervision. However, only the County Manager has the final authority to demote, suspend or terminate an employee for disciplinary reasons. Copies of any written disciplinary action must be furnished to the County Manager's office for placement in the employee's file, with evidence of the employee's receipt of the action.

7.4 Consultation with County Attorney. Dismissal, demotion, and suspension require consultation with the County Attorney before taking disciplinary action. Whenever such consultation is not practical because of urgency, necessary action may be taken and the situations/ circumstances reviewed with the County Attorney as soon as practical.

7.5 Progressive Discipline. An employee shall be progressively disciplined whenever warranted. All actions involving substandard work performance, leading up to and including dismissal, require documented progressive discipline. The step of corrective action used depends on the severity of the infraction and the employee's previous work record. Because of the serious nature of some infractions, the first disciplinary action may be suspension or dismissal.

7.6 Verbal Reprimand. A verbal reprimand is used for minor infractions to inform the employee that his/her actions, behavior or conduct needs to change. Supervisors will keep

written notations of verbal reprimands, and will place the written notation of the verbal reprimand in the employee's personnel file. Causes for verbal reprimands include, but are not limited to:

- A. substandard or unsatisfactory work performance;
- B. repeated absence or tardiness;
- C. misconduct on the job;
- D. failure to meet and/or maintain job requirements as set forth in the job description;
- E. violation any personnel Rules, other County rules, policies, regulations or supplemental rules;
- F. violation of a professional code of ethics accepted by those in the same profession as an employee and as stated in this policy;
- G. non-cooperation by an employee with fellow employees or other personal conduct which substantially interferes with the performance of his/her or another employee's work;
- H. failure to adhere to an established work schedule;
- I. excessive personal cell phone usage; and
- J. failure to obtain authorization for overtime.

7.7 Written Reprimand. An employee shall receive a written reprimand because the deficiency or infraction is of a greater degree than that for which a verbal reprimand may be used, or if a verbal reprimand was not effective. Causes for written reprimands include, but are not limited to:

- A. the causes listed for verbal reprimands;
- B. excessive absence or tardiness;
- C. sleeping on the job;
- D. negligence in the performance of duty including negligence in the operation of County vehicles or equipment;
- E. negligence or failure to adhere to established safety rules or regulations as well as willful unsafe conduct;
- F. insubordination and failure to comply with the lawful orders of a supervisor including the refusal to accept after hours assignments;
- G. refusal to perform tasks or duties assigned or detailed in an employee's job description;
- H. unauthorized absence from work;
- I. failure to report duty injuries, accidents or vehicle collisions;
- J. failure to follow the chain of command within a department;
- K. unauthorized use or abuse of County property (e.g. phones, cell phones, computers, vehicles, equipment, etc.).
- L. being untruthful when asked about any work related activities by a supervisor;
- M. abuse of sick leave, including use of sick leave on a day for which vacation or other leave has been denied;
- N. failure to follow a departmental SOP; and
- O. violation of the Code of Ethics (Section 3.10).

Written reprimands for an employee's work performance or conduct shall be placed in the employee's personnel file after providing the employee with a copy of the statement. The employee will be asked to acknowledge having read the comments by signing the statement. If

the employee refuses to sign, said refusal to sign shall be noted on the document by the employee's elected official or department director, and a witness shall attest in writing that the statement was presented for signature to the employee, who refused to sign. The elected official or department director's signature, witness' signature, or employee's signature indicates that the employee received the statement, but does not necessarily indicate concurrence with its content. In addition, the elected official or department director may read the letter of reprimand to the employee. The employee may respond with a written rebuttal within ten (10) days after the document was entered into the personnel file, which shall also be placed in the employee's personnel file. The placement of a written reprimand in an employee's file is not grievable.

7.8 Suspension. An employee may be suspended without pay for a single serious offense or for continued inadequate job performance or misconduct after previous attempt(s) to correct the conduct have failed. Such suspension will not exceed two-hundred forty (240) hours. Suspension of an employee is subject to the formal grievance procedures. Causes for suspension include but are not limited to:

- A. the causes listed for verbal and written reprimands;
- B. continuous documented instances of poor performance;
- C. negligent damage to property and/or person(s);
- D. physical or mental unfitness for duty;
- E. consumption or possession of alcohol or controlled substances on-duty or on County property or in County vehicles;
- F. fighting while on-duty or on County property;
- G. harassment;
- H. sexual harassment;
- I. failure to report confiscation or loss of driver's license when required as condition of employment;
- J. operation of a County vehicle or a private vehicle while on County business without a valid driver's license; and
- K. unlawful carrying or possession of a firearm unless authorized by state law or county policy.
- L. being under the influence of alcohol or controlled substance including illegal drugs as well as abuse of prescription drugs. See Section 11.
- M. Knowingly making any false statement or omission to a supervisor regarding work-related activities.

7.9 Demotion. An employee may be demoted for continued inadequate job performance after previous attempt(s) to correct the conduct have failed, provided that there exists a lower job position in the County and the employee is capable of performing such a job. The demotion of an eligible employee is subject to the formal grievance procedures. A demotion may require a decrease in salary, with approval of the County Manager.

7.10 Dismissal. Dismissal is the final consequence when progressive discipline has failed to change unacceptable behavior or performance, or when the employee has engaged in other behavior that is of a serious nature that is unacceptable for County employees. The dismissal of an employee is subject to the formal grievance procedures. Causes for dismissal include, but are not limited to:

- A. all causes listed for the previous disciplinary actions, if such causes continue after attempts or correction have failed;
- B. acceptance of a bribe, gratuity, gift, or kick-back;
- C. abuse of official position or authority for personal profit or advantage;
- D. theft, abuse or intentional destruction of County property, including electronic media or data;
- E. unauthorized disclosure of confidential information from County records or documents as set forth by applicable state law; falsification, destruction or unauthorized use of County records, reports, or other County data, including electronic media or data;
- F. being convicted of a felony or a misdemeanor involving moral turpitude and the criminal conviction directly relates to the particular job, trade, or profession;
- G. being convicted of a felony or a misdemeanor involving moral turpitude and the criminal conviction does not directly relate to the particular job, trade, or profession, if the County determines after investigation that the person so convicted has not been sufficiently rehabilitated to warrant the public trust.
- H. falsification of County employment application, health history forms or any other document used in the employment process;
- I. serious acts of negligence causing damage to County property, public or private property or injury to an employee or member of the public;
- J. intentional acts causing damage to County property, public or private property or injuring an employee or member of the public;
- K. conduct unbecoming an employee of the County;
- L. engaging in conduct prohibited under the County's Drug-Free Workplace Policy as provided in Section 11.4, below;
- M. insubordination or refusal to carry out reasonable directives;
- N. failure to meet standards of substance abuse rehabilitation programs;
- O. loss of license or certification necessary to legally perform the duties of the employee's position.
- P. determination of Hatch Act violation by Office of Special Counsel;
- Q. Behavior that demonstrates deliberate violations of policy, wrongful intent, evil design, or so as to reveal intentional and substantial disregard of the County's interests, or of employee's duties and obligations to the County of Socorro
- R. willful falsification of, or misrepresentation on, any work records; falsifying data or information requested by the County; forgery or inappropriate alteration of County records or other County documents (including written or audio or audio-visual media); and
- S. action or inaction that subjects the County to civil liability.

7.11 Examples Not Inclusive. The above examples are typical of the types of infractions sometimes encountered but are not inclusive of all situations that may arise. The County reserves the right to exercise judgment and render disciplinary action or dismissal as deemed appropriate based on the circumstances of each case.

7.12 Pre-Determination (Loudermill) Hearing. Regular employees shall receive a pre-determination hearing prior to possible disciplinary action for cause or other action that may result in suspension without pay, demotion, and loss of pay, or involuntary transfer or dismissal. Prior to delivery of the written notice to the employee, the County Human Resources Director

shall review the cause for such action and may require the proposed level of discipline be increased or decreased based on policy and past action. The hearing shall be held by the County Manager or his/her designee, for employees of each respective department.

7.13 Written Notice. The employee's supervisor, department director or elected official shall present the employee with written notification of their intent to conduct a pre-determination hearing at least five (5) working days in advance of the hearing date. The written notification shall explain the reasons for the hearing, the proposed discipline, the employee's right to attend the pre-determination hearing, a list of all evidence and/or witness to be introduced by the Department supporting the Department's position, the time, place and date of the pre-determination hearing and the employee's right to respond to the proposed action. The time, place and date of the pre-determination hearing can be revised upon the written agreement of the parties.

7.14 Immediate Suspension with Pay. In cases where County property, other employees or citizens or their property are at risk because of the employee's actions, the County Manager or in his/her absence, an appointed designee shall put the employee on administrative leave with pay until the pre-determination hearing is held and a decision is rendered. Any employee, who is placed on administrative leave pending disciplinary action, will be required to be away from their place of employment and will not be allowed to perform any job related duties or retain any County property during that time. Administrative leave pending disciplinary action shall not exceed thirty (30) calendar days, unless an extension of time is approved by the County Manager. Administrative leave with pay may also be granted by the elected official or department director, subject to the approval of the County Manager whenever circumstances warrant such leave.

7.15 Pre-Determination Hearing Procedure. The County Manager or his/her designee shall meet with the appropriate elected official or department director, and the employee if he or she chooses to participate, at the appointed time. The County Attorney may be present to assist the Hearing Officer/ County Manager but shall not advocate on behalf a County Department. Legal counsel for the employee and the department, if any, may also be present. At this hearing the employee will have an opportunity to respond to the reasons for the proposed action. Witnesses are permitted as determined relevant to the case by the County Manager or his/her designee. If an employee does not attend the pre-determination hearing and no good cause is shown for his/her absence, the hearing shall proceed as scheduled and a determination may be made.

7.16 Pre-Determination Hearing Decision. The County Manager or his/her designee will issue a decision in writing within ten (10) working days of the hearing. The decision will include the time, date and location of the meeting, persons present, and the determination. The written decision shall be either delivered to the employee (obtaining elected official or department director and witness', or employee's, signature of receipt of the decision) or be sent to the employee by certified mail, return receipt requested.

7.17 Notice of Grievance. Within five (5) working days of receipt of the written decision, the employee must notify the Human Resources Manager or his/her designee in writing of his/her intent to pursue a grievance hearing before a Personnel Appeals Hearing Officer.

X. SECTION VIII: GRIEVANCE PROCEDURES

The formal grievance procedure is applicable for promotion, suspension, demotion, involuntary transfer or dismissal. A grievance shall not stay the implementation of the pre-determination hearing decision.

8.1 Conditions or Actions Not Grievable. The following matters are not grievable:

- A. disputes as to whether or not an established County practice or Rules are valid;
- B. matters in which a method of review is mandated by law;
- C. matters where the County is without authority to act or does not have the ability to provide a remedy;
- D. dismissal of temporary, casual or contract employees dismissed at any point during their employment with the County;
- E. preferences for employment, promotions, voluntary transfers, temporary assignments, and removal from temporary assignments, and layoffs;
- F. dismissal of a probationary employee prior to the expiration of the probationary period;
- G. letters of complaint when the employee's elected official or department director determines the letters are justified and appropriate to be placed in the employee's personnel file, so long as the procedure for written reprimands are followed including the employee's right to submit a rebuttal;
- H. written reprimands in the employee's file, although within ten (10) days the employee is allowed a rebuttal of the information contained in the reprimand which will be attached to the written reprimand;
- I. denial of permission for outside employment;
- J. performance evaluations;
- K. Suspension from employment for three days or less.
- L. Denial of educational rewards or tuition reimbursement funding.

8.2 Employees Not Eligible for Grievance Procedure. Unclassified, temporary, casual, probationary or contract employees are not eligible to request a grievance hearing. Additionally the following employees are not entitled to the grievance procedure: County Manager, the Assessor's Chief Deputy, the County Clerk's Chief Deputy, the County Treasurer's Chief Deputy, the Under-Sheriff, the Sheriff's Administrative Secretary and the County Fire Marshal.

8.3 Grievance Procedure. A regular employee may request, in writing, a hearing before a personnel Hearing Officer within five (5) working days of receiving the County Manager's decision resulting from the pre-disciplinary process or from other action as may be grievable under this Policy. The request will state with specificity the reason for the grievance and the remedy requested.

8.4 Appointment of Personnel Hearing Officer. Within fifteen (15) working days of the grievant's notification of intent to pursue a disciplinary hearing, the County Manager will provide the grievant with the name of the Hearing Officer.

8.5 Hearing Officer Qualifications. Hearing Officers shall be personnel professionals, be familiar with public or private personnel systems, or have pertinent experience in the fields of management, education or law. The Hearing Officer shall be disinterested in the subject matter of the hearing. The County Manager shall verify the qualifications of the hearing officer. The hearing officer is not required to reside in the County.

8.6 Grievance Hearing Schedule. The County Manager will schedule a hearing to be held within thirty (30) days of the notification that the employee wants to pursue a grievance hearing. In the event no qualified Hearing Officer is available within the thirty (30) day limit, the hearing will be held at the first opportunity. At this hearing, the grievant shall have an opportunity to present witnesses and physical evidence and cross-examine the County's witnesses before a neutral hearing officer. The grievant and the County may be represented by legal counsel.

8.7 Grievance Hearing Procedures - Rules of Procedure.

- A. The hearing will not be open to the public.
- B. The hearing officer shall:
 - 1. make rulings on procedural and substantial issues of the hearing;
 - 2. determine the admissibility of evidence and testimony, all of which must have a direct bearing on the issue before the hearing officer; and
 - 3. issue a written ruling, including findings of fact, which form the basis of the hearing officer's conclusions of law.
- C. The grievant, the grievant's legal representative, if any, and the County Attorney are required to be present at the hearing unless otherwise excused by the hearing officer or by agreement of the parties.
- D. At least five (5) working days prior to the hearing, the parties or their representatives shall prepare and provide copies of all exhibits and evidence for the hearing officer as well as the opposing party. Exhibits and evidence not supplied in the manner detailed above shall be excluded from consideration by the hearing officer.
- E. At least five (5) working days prior to the hearing, all parties must submit to the hearing officer a confidential statement identifying the issues to be heard, a witness list, and a complete list of documents to be admitted as evidence. Further, at least five (5) working days prior to the hearing, witness lists and exhibits shall be exchanged between the parties.
- F. Each party will be responsible for ensuring that their witnesses are present for the hearing.
- G. Witnesses in grievance hearings are not permitted in the hearing room until called upon to testify, unless the witness is a party (i.e., the grievant, the grievant's Elected Official or department director, the County Manager, Human Resources Manager, or County Attorney).
- H. An audio or audio-video record of all grievance hearings will be made.

8.8 Conduct of Hearing. The Grievant shall present an opening statement of issues involved in the case, followed by the County. Opening statements are limited to the pertinent issues of fact and law and shall not exceed ten minutes without the permission of the hearing officer.

8.9 Order of Presentation.

- A. The County will present first. Witnesses for the County may be called and questioned concerning their involvement in or knowledge of the case. Following each witness's testimony, the Grievant will have the opportunity to cross-examine the witness. The hearing officer will then have an opportunity to question the witness. The hearing officer shall restrict all questions to those necessary to clarify the testimony previously given. Follow up or redirect questioning will be allowed at the discretion of the hearing officer.
- B. Witnesses for the Grievant may be called and questioned concerning their involvement in or knowledge of the case. Following each witness's testimony, the County will have the opportunity to cross-examine the witness. The hearing officer will then have an opportunity to question the witness. The hearing officer shall restrict all questions to those necessary to clarify the testimony previously given. Follow up or redirect questioning will be allowed at the discretion of the hearing officer.
- C. Following the presentation of the County's and the Grievant's positions, rebuttals may be offered. Such testimony shall be brief and shall address only the issues brought forth in the County's or Grievant's presentation.
- D. The County's closing statement shall be presented followed by the Grievant's closing statement. These statements shall not exceed ten (10) minutes without the permission of the hearing officer and shall contain a request for the desired outcome.

8.10 Communication of Hearing Officer's Decision. The hearing officer's decision will be issued within thirty (30) working days of the hearing and will be signed by the hearing officer, and transmitted to the grievant, the County Manager and elected official/department director. The hearing officer may uphold, modify or reverse the decision of the County Manager, and may reinstate the employee and award back pay and benefits. No attorney's fees, costs or other damages may be awarded. The standard of proof in a grievance hearing is a preponderance of the evidence. The record of the proceedings will be retained by the County Manager's office for a period of not less than five (5) years from the hearing date along with all of the physical evidence admitted by the hearing officer. The verbal record may be transcribed only in the case of appeal to the District Court by one of the parties. The party requesting the transcription shall pay for the transcription.

8.11 Appeal of Hearing Officer's Decision. Either party may appeal the hearing officer's decision to the District Court by filing with the District Court and the Human Resources Manager a Notice of Appeal within thirty (30) calendar days of the Hearing Officer's decision. A party may cross-appeal within thirty (30) days of the date another party files a Notice of Appeal. Both parties shall be forever estopped from appealing the Hearing Officer's decision after thirty (30) calendar days from the Hearing Officer's decision if no Notice of Appeal is timely-filed.

- A. These Rules, if certified to be complete by the County Clerk, and in effect at the material times, may be included in the record on appeal at the request of any one of the respective parties at any time before forwarding the record to the District Court.
- B. The appeal shall be one of review of the record (transcript) along with all the exhibits as admitted. No trial de novo will be accorded.

XI. SECTION IX: COMPENSATION & BENEFIT PROGRAM

9.1 Purpose. The purpose of the compensation plan is to establish equitable compensation for all positions in the County. Such a plan may establish a salary schedule containing a minimum and maximum wage or salary for each position. Pay ranges are intended to furnish administrative flexibility. However, all wages and salaries are approved by the Board during the budget process or otherwise. The Board has sole authority to budget and authorize wage and salary increases. The Board acknowledges all changes in compensation and may set pay schedules and Rules regarding any raises and promotional increases for the entire fiscal year for all County employees.

9.2 Hours of Work. Employees will work their scheduled hours pursuant to work schedules established by their department director or elected official. Full-time employees will work a minimum of forty (40) hours per week. Actual work periods may fluctuate at the discretion of the department director or elected official, with approval of the County Manager. Part-time employees are scheduled to work pursuant to scheduling set forth by their supervisors, the department director or elected official.

9.3 Overtime Pay. Only FLSA non-exempt employees shall be compensated for all time actually worked, whether or not the time is authorized. Failure to obtain authorization for overtime shall result in disciplinary action, up to and including dismissal. The rate shall be one and one-half (1½) times regular pay for each hour of overtime. Only actual time worked will be used to calculate overtime; holiday, annual, sick and other leave hours shall not be considered actual working hours. Holiday, annual, sick and other leave hours shall not be considered actual working hours.

- A. Regular employees: such payment shall be made only in cases when an FLSA non-exempt employee works over forty (40) “actual hours” in a normal work week.
- B. Law Enforcement and Detention Personnel: An FLSA non-exempt, law enforcement or detention employee shall be paid overtime according to FLSA regulations in excess of eighty-six (86) hours per pay period permitted by 29 U.S.C. Section 207(k).

9.4 Consistency with Fair Labor Standards Act. The provisions of Section 9.3 are subject to change or revision by the Fair Labor Standards Act and any federal regulation or revision thereof.

9.5 P.E.R.A. Benefits. All County employees, with the exception of those employees, who are subject to exclusion under P.E.R.A. rules, are required to join the Public Employees Retirement Association of New Mexico (P.E.R.A.).

9.6 Insurance Benefits. The County offers group insurance benefits to all employees as long as the employee is scheduled to work at least 30 hours per week and whose term of employment when hired is for six or more months. Independent contractors are not eligible under the County benefit plan. Insurance plans may be changed at the discretion of the Board or the insurance carrier.

9.7 Fringe Benefits. The County will follow the Internal Revenue Service's rules with regard to fringe benefits. Taxable fringe benefits will be included on the employee's W-2 form. (Examples of fringe benefits are: uniforms, uniform allowances, vehicle usage, County cell phones, etc.) If an employee has a question regarding what constitutes a fringe benefit and how that may affect him/her, the employee should contact the Human Resources Manager. Vehicles assigned as take-home vehicles must be properly identified with a logo as Socorro County vehicles.

9.8 Compensatory Time. The use of Compensatory Time is strongly discouraged and may only be awarded in accordance with the County's Compensatory Time policy.

- C. Compensatory time in lieu of cash compensation may only be given if there is no remaining overtime in the County Department's budget and shall be authorized only under emergency circumstances which call for immediate action or in special situations required by the nature of the operation or the status of the activity.
- D. Compensatory time in lieu of cash compensation may be given only if there is a current agreement entered into voluntarily between the employee, department head/elected official and the County Manager.
- E. The employee must have entered into this agreement before compensatory overtime work is performed. *(All requests must be made on the official county form attached to this policy and all lines must be completed)*
- F. Compensatory time off for FLSA non-exempt employees shall be at a rate equal to one and one-half (1.5) hours for each hour of employment for which overtime compensation is required. However, if the additional hours worked would not qualify as overtime (i.e. leave was taken during the work week), but the employee takes time off in lieu of payment such compensatory time would be accrued at the straight time rate.
- G. If compensatory time is authorized under this policy, it is the responsibility of that employee's department head to make every reasonable effort to schedule that employee time off during the same pay period so the employee does not work over a forty (40) hour work week so that compensatory time will accrue as straight time pursuant to section 5 above.
- H. The FLSA-covered employee who has accrued compensatory time off, and who has requested the use of compensatory time, shall be permitted to use the time within a reasonable period after making the request, if the use of compensatory time does not unduly disrupt the operations of the County as determined by the employee's supervisor.
- I. After accrual of 80 hours of compensatory time, any overtime worked must be paid. If compensation is paid to an employee for accrued compensatory time, such compensation shall be paid at the regular rate earned by the employee at the time the employee receives such a payment.
- J. A department head shall make every reasonable effort to schedule time off, for an employee to use accrued compensatory time, before June 30 of each year. Any accrued

compensatory time off not used by an employee by June 30 shall be paid, to the employee two (2) weeks from the date the County's next fiscal year budget is approved by the New Mexico Department of Finance Administration, at the regular rate earned by the employee at the time the employee receives such a payment.

9.9 Training & Certification Rewards Program. Socorro County recognizes the benefit to the County and constituents when our employees work to obtain more knowledge in their field. Therefore, the County maintains a rewards program for those employees who do work toward certification. Only regular full-time employees are eligible for this program.

- A. Application for reward funds must:
 - 1. Be approved by the department head or elected office;
 - 2. Must be made prior to entering a program; and
 - 3. May be denied for non-availability of funds.
- B. Employees are not eligible for to receive reward money until all required coursework, testing, and completion of the any required project is approved and designated as complete. The Human Resources Manager must also receive an official certificate for the employee's personnel file
- C. Rewards, not to exceed \$250 may be made for various training that meets the following criteria:
 - 1. The training is recognized nationally and testing is required, and
 - 2. It must be directly related to the employee's job or job series, and
 - 3. The training is not a part of the Minimum Qualification Requirements for the job or job series, and
 - 4. It cannot be post-secondary higher education, e.g., college hours and/or degrees and courses at secretarial or technical colleges (formerly called vocational-technical schools).
- D. Rewards not to exceed \$500 may be made to employees for attainment of a New Mexico Edge County College Core Certification or County College Affiliate Certification Program. However, employees are eligible for no more than two certifications within one fiscal year period. The maximum total reward amount an employee may be given for earning all NM Edge County College certifications is \$3000.00.
- E. Rewards of up to \$1000 may be made for attainment of a certification that
 - 1. Meets all the criteria listed in B.1 above
 - 2. If it is nationally recognized and a baccalaureate degree is required to apply for the certification.
 - 3. This certification requires a substantial amount of study and a comprehensive exam.
 - 4. This type of reward may be given only once to an employee.
- F. Payment of the reward will be made through the County's payroll system and may be subject to state or federal withholding taxes.

9.10 Tuition Reimbursement Program. It is the policy of Socorro County to assist employees wishing to improve their job knowledge by attending classes at an accredited academic institution. In keeping with such policy, the following tuition reimbursement program is available for all regular fulltime employees.

- A. Department heads/elected office must ensure the availability of financial resources within their department budgets to execute this program for an employee. Therefore, applications for reimbursement may be denied for non-availability of funds.
- B. Upon recommendation of the department head or elected official, the Human Resources manager may grant approval for tuition reimbursement if all the following requirements are met:
 - 1. The department head or elected official must certify the availability of funds in the department's budget;
 - 2. Approval for tuition reimbursement must be received by the Department Head and County Manager prior to the beginning of the any class;
 - 3. Tuition reimbursement shall be granted for courses taken that are job-related or degree-related in the field the employee is employed in and that will improve the employee's ability to perform at Socorro County;
 - 4. Employees must receive a final grade of "B" or better in order to be eligible to receive reimbursement and must present a certified final grade to the Human Resources Manager;
 - 5. Employees may receive reimbursement for required textbooks, if such textbooks are donated to the county at the completion of the course and the donation is approved by the department head or elected official; and
 - 6. No employee shall receive more than \$800 in a fiscal year for tuition or book reimbursement.
- G. Upon the recommendation of the Human Resources Manager, tuition reimbursement will be made to the employee through the County's payroll system on the next pay period cycle. As a fringe benefit, this reimbursement may be subject to state or federal taxes.

XII. SECTION X: LEAVE AND HOLIDAYS

A. 10.1 Holidays

- A. The County Commission shall approve holidays at their discretion during the first meeting in January of each year, for the calendar year. All employees, except temporary and casual employees, are eligible for holiday pay. Holiday pay is equal to an employee's basic hourly rate of pay.
- B. Holiday Pay. A paid holiday means up to eight (8) hours paid compensation for time off in recognition of each designated County Holiday. Under no circumstances shall holiday pay exceed 8 hours. Part time employees are eligible to receive an amount of holiday pay in direct correlation to their standard or average hours of work compared to a 40-hour work week.
- C. Holiday Premium Pay. FLSA non-exempt employees authorized and required to work on the day a holiday is observed, shall be compensated one and one half (1 ½) times their hourly rate of pay for all hours actually worked on the employee's first shift. Contract employees, chief deputies, unclassified employees, FLSA exempt employees and temporary and casual employees are not eligible for holiday premium pay.
- D. Employees taking authorized leave with pay during a holiday shall not be charged for leave time during that holiday. Employees scheduled to work on a holiday who call in sick will not be paid holiday pay and the time will be charged against their sick leave accrual. An employee who is on leave without pay or absent without leave shall not be paid for the holiday.

10.2 Personal Holiday Leave. All regular employees who have completed the probationary period will have an eight (8) hour personal holiday each calendar year in addition to the regular holiday schedule. The personal holiday may be taken at any time, upon approval by the employee's supervisor. The entire eight (8) hours must be taken when requesting personal holiday leave. Personal holiday time may not be taken in hourly increments. Personal holiday leave shall not carry over beyond the current calendar year.

10.3 Annual Leave with Pay. Annual leave may not be used before it is accrued and must be approved with at least seven (7) days or more notice by the employee's supervisor prior to being taken. Employees accrue annual leave with pay in accordance with the following schedule, based upon continuous length of County service:

Table 10.1

Full Years of Service	Annual Days Accrued	Annual Hours Accrued and Per Pay Period
Less than ten (10) years	16.25	130 / 5.0
Ten (10) years or more	19.50	156 / 6.0
Twenty (20) years or more	26	208/8.0

10.4 Accrual Limitation. Total number of accrued annual leave hours shall not exceed a maximum of 280 hours.

10.5 Separation from Service or Change in Service Pay. Employees shall be paid for all accrued annual leave upon separation from county service. Upon change from FLSA non-exempt to FLSA exempt status, employees shall be paid a lump sum for the unused portion of their accrued annual leave at their non-exempt rate of pay.

10.6 Annual Leave Conversion. Employees taking a minimum of forty (40) consecutive hours of annual leave (not to include any holidays) are entitled to convert eight (8) hours of sick leave to annual leave per year. Annual leave conversions are processed at the end of the fiscal year.

Employees may convert a maximum of 24 hours accrued vacation leave for cash payment each fiscal year. Payment will be made on the basis of seventy-five cents (\$.75) for each one dollar's (\$1.00) value of leave for the employee.

10.7 Shared Leave Policy. Socorro County employees are permitted to donate or receive annual or personal leave for county employees with severe or extraordinary illnesses, or to provide care for relatives or household members with severe or extraordinary illnesses. Requests to receive shared leave require County Manager approval. A certificate of illness or injury will be required from a physician in order to qualify to use donated hours. Under no circumstances, including termination, can these donated hours be converted into cash.

10.8 Annual Sick Leave with Pay. Employees shall accrue a maximum of eighty (80) hours of sick leave with pay annually. Part-time employees accrue sick leave at the rate of 2.0 hours per pay-period. Casual and temporary employees do not accrue sick leave.

- K. Sick leave shall be authorized by the employee's supervisor, when such leave is requested, when an employee is unable to perform normal job duties due to medical considerations such as, but not limited to, the following: illness, injury, prearranged medical or dental examination, quarantine, therapy, counseling, treatment, or when a member of the employee's immediate family is ill and requires the personal attention of the employee.
- L. A maximum of six hundred (600) hours of sick leave shall be accrued and any sick leave above and beyond the six hundred (600) hours will be forfeited. Upon separation or retirement of an employee who has served five (5) or more years, the County shall pay the employee a sum equal to twenty-five percent (25%) of the value of his accumulated and unused sick leave, based on his/her average rate of pay for the preceding twelve (12) months.

10.9 Sick Leave Authorization. Sick leave may not be used before it is accrued and must be authorized or denied according to County policy. Unless otherwise prescribed by separate department policy, the following procedures shall apply:

- A. Reporting Sick Leave. For shift scheduled employees: sick leave shall be reported as soon as possible but no later than one (1) hour prior to the employee's work shift unless the nature of the illness or injury requires extended leave, certified by the employee's physician, and of which the employee's supervisor is notified. For all other employees: sick leave shall be reported as soon as possible, but no later than thirty (30) minutes following the start of their normal work day.
- B. Sick leave shall be requested on the prescribed form and the approval or disapproval must be in writing. If an employee uses any falsehood to support a request for leave, any leave authorized may be rescinded and the employee may be subject to disciplinary action. Leave may be granted contingent upon the employee presenting sufficient justification.

10.10 Use of Sick Leave During Probationary Period. Probationary employees accrue sick leave as set forth in 6.1 D and may use sick leave if accrued.

10.11 Certification of Illness for Sick Leave. A physician's written certification may be required prior to receipt of sick leave pay at the discretion of the elected official or department director.

10.12 Sick Leave Incentive. A Socorro County employee who uses twenty (20) hours or less of sick leave per fiscal year will be able to convert eight (8) hours of sick leave to annual vacation leave. Exempt employees are not entitled to participate in this sick leave incentive.

10.13 Bereavement Leave. In the event of a death in the employee's immediate family, he or she will be entitled to bereavement leave. Up to three (3) days may be granted for an employee to attend the funeral of a member of his/her immediate family. These days will be

charged against an employee's accrued sick leave. An additional two (2) days of sick leave may be authorized by the Elected Official or Department Head for extenuating circumstances.

B. 10.14 Family Medical Leave

- A. The County provides family medical leave of absence without pay to eligible employees who wish to take time off from work duties to fulfill family obligations relating directly to the birth or adoption of a child or the illness of a child, spouse, domestic partner, parent or the employee themselves. Regular full-time and part-time employees are eligible to request family leave as described in these Rules.
- B. Eligible employees are allowed family/medical leave according to provisions of the Family Medical Leave Act (FMLA). As soon as an eligible employee becomes aware of the need for a family medical leave of absence, the employee shall request leave from their supervisor. Employees requesting family medical leave related to the illness of a child, spouse, domestic partner, parent or the employee themselves shall be required to provide a healthcare provider's certification of employee/family member's serious health condition. Eligible employees who do not request family medical leave in advance of a qualifying event will automatically be placed on family medical leave as soon as it is determined by the Human Resources Director that their leave qualifies for protections under FMLA.
- C. The County may require an employee to submit to a fitness for duty return to work exam when the need for FMLA leave is based on the employee's own serious health condition that may affect the essential functions of the employee's job. The County must notify the employee of this requirement at the beginning of the leave.
- D. Eligible employees are allowed up to twelve (12) weeks of family medical leave or up to twenty-six (26) weeks of leave, in a single 12-month period, to care for a covered service member recovering from a serious injury or illness incurred in the line of duty on active duty. Eligibility for leave will be determined on a twelve (12) month rolling-back calendar. The employee will be required to take any available annual or sick leave as part of the approved period of leave. If the family medical leave is unpaid, the employee is subject to all rules pertaining to leave without pay, section 10.20.
- E. Subject to the terms, conditions and limitations of the applicable plans, the County will continue to provide health insurance benefits for the full period of the approved family/medical leave, subject to all rules pertaining to leave without pay, Section 10.20.
- F. When family medical leave ends, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee qualifies. The County guarantees reinstatement to all eligible employees who are not key employees. If the employee fails to return to work or contact their supervisor on or before their expected date of return, the County will assume that the employee has abandoned their job. The following appointed positions as listed in the Personnel Policy ordinance are key employees within the County and may or may not be eligible to take family medical leave:
 - 1. County Manager
 - 2. Under-Sheriff
 - 3. Deputy Assessor
 - 4. Deputy Clerk
 - 5. Deputy Treasurer

6. Sheriff's Administrative Secretary
- G. According to FMLA, key employees are not guaranteed reinstatement; however, the Board (for contract and unclassified employees), and a department director or elected official may authorize reinstatement, as appropriate subject to approval by the County Manager.

10.15 Administrative Leave. Administrative leave with pay may be granted by the elected officials or department director pending an investigation or disciplinary action, subject to the approval of the County Manager as subject to all rules pertaining to Immediate Suspension with Pay, Section 7.14.

10.16 Workers' Compensation Program. [§§52-5-1 et. seq., NMSA 1978]

- A. The County provides a comprehensive worker's compensation insurance program at no cost to employees. This program covers any injury or anyone suffering from occupational diseases sustained in the course of employment as approved by the insurance carrier. Subject to applicable legal requirements, Workers' Compensation insurance provides benefits after a short waiting period, or if the employee is hospitalized immediately.
- B. Employees who sustain work-related injuries or occupational diseases must inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible. A "First Report of Injury" shall be filed with the Human Resources Manager following the work-related injury. The report shall be signed by the employee and the employee's supervisor. In addition, the supervisor's "Accident Investigating Report" will be filed on the following work day. All accidents shall be reported, however minor.
- C. Neither the County nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, athletic activity, or similar events off-duty.
- D. Subject to the terms, conditions and limitations of the applicable plans, the County will continue to provide health insurance benefits while the employee is receiving worker's compensation benefits, subject to the provisions of Section 10.16 C. Eligible employees will automatically be placed on family/medical leave as soon as the Human Resources Manager determines that their leave qualifies for protection under the Act.

10.17 On-The-Job Injury Leave. An employee injured on the job may use accrued sick leave until exhausted and then the use of annual leave is permissible for each regularly scheduled working day after the injury occurs for all such days that are not paid by Workers' Compensation Insurance. If the employee is on worker's compensation time for more than four (4) weeks, and is entitled to compensation for the first seven (7) days and has used accrued leave for the first seven (7) days of injury, the workers' compensation payments received for all such days shall be paid directly to the County by the workers' compensation carrier. In the event an employee uses accrued leave, in lieu of workers' compensation, the leave used shall be re-credited to the employee upon the County's receipt of the reimbursement by the Workers' Compensation carrier after the expiration of the statutory waiting period.

10.18 Voting Leave. For purposes of national, state or local election, an employee who is registered to vote will be granted up to two (2) hours paid leave for voting, between the time of opening and the time of closing of polls. The employee's supervisor may specify the hours for the leave. This leave will not be granted to any employee whose work day begins more than two (2) hours subsequent to the time of the opening of the polls, or ends more than three (3) hours before the closing of the polls.

10.19 Court Service Leave with Pay. Pay for jury duty shall be authorized only for those days that the employee is scheduled to work. If excused by the court during a working day, the employee shall return to work. Employees serving as jurors shall file for jury pay and turn in any pay received to the County. Any jury duty worked beyond their regular work hours shall be refunded back to the employee.

A. Procedures for Jury Duty Time:

1. Juror Service Verification form from the Court must be attached to the Leave Request Form.
2. Reconciliation of time by Payroll will include matching Jury Hours Summary Sheet received by the Court to time sheet, leave form and Juror Service Verification form.

B. Court Appearance Time. When required by County duties and subpoenaed to appear before a Court, personnel Hearing Officer, public body or the Board for the purpose of testifying in regard to County matters, the employee will be compensated as regular work time.

10.20 Leave Without Pay. The department director or elected official, with the approval of the County Manager, may grant an employee leave without pay for a period not to exceed six (6) months, when the department director or elected official deems that such leave without pay is in the best interest of the County. Reasons for such leave may include, but are not limited to, medical disability, pregnancy, birth or adoption of a child, and the need to care for a family member. Leave without pay is subject to the following conditions:

- A. Re-employment upon Return. If an employee returns to work within three (3) months, the employee will be returned to the same position. If the employee is on leave without pay for more than three (3) months but less than six (6) months, the County will attempt to return an employee to the same or similar position for which the employee is qualified. The position of an employee on leave without pay for more than three (3) months shall not be guaranteed. If there is not a position for the employee at the end of six (6) months, the employee shall be dismissed.
- B. Physician's Certificate. Leave without pay requested due to medical reasons or pregnancy-related purposes must be accompanied by a physician's written statement indicating the estimated time disability or recommended time for post-natal leave. An employee returning to work from leave without pay due to medical or pregnancy-related reasons must be released by the employee's physician to return to work.
- C. Temporary Filling of Position. Temporary employees may be hired to fill vacancies created by an employee who is on leave without pay.
- D. Benefits at Employee's Expense. An employee on leave without pay does not accrue leave or County benefits. The employee wishing to continue receiving insurance benefits

may do so at the employee's expense by submitting the employee's and the county's share of the premium to the Human Resources Manager on or before the regular pay day.

- E. Failure to Report Timely. Failure on the part of the employee to report to work immediately to the assigned shift following the last day of the request, upon the expiration of approved leave without pay, shall be subject to disciplinary action.

10.21 Life Threatening Illnesses in the Workplace. Employees with life-threatening illnesses, such as cancer, heart disease, and AIDS, often wish to continue their normal pursuits, including work, to the extent allowed by their condition. The County supports these endeavors as long as employees are able to meet acceptable performance standards. As in the case of other disabilities, the County will make reasonable accommodations in accordance with all legal requirements, to allow qualified employees with life-threatening illnesses to perform the essential functions of their jobs.

- A. Medical information on individual employees is treated confidentially. The County will take reasonable precautions to protect such information from inappropriate disclosure. Management, as well as other employees, has a responsibility to respect and maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information is subject to corrective or disciplinary action up to and including dismissal of employment.
- B. The Health Insurance Probability and Accountability Act (HIPAA) and the Americans with Disabilities Act (ADA) require the County to maintain the privacy of protected health information. A copy of the County's HIPAA Notice of Privacy Practices can be obtained from the Human Resources Manager's office.

10.22 Inclement Weather. The County Manager may close offices, authorize late reporting or early release due to inclement weather, and all employees will be compensated for normal work hours as administrative leave with pay and shown on a Leave Report Form. Inclement weather leave with pay will not exceed eight (8) hours in one work day.

10.23 Leave For Unforeseen Circumstances. The County Manager may close individual offices, authorize late reporting or early release due to unforeseen conditions beyond the County's control that prevent the employees from performing their duties as administrative leave with pay and shown on a Leave Report Form.

C. 10.24 Military Leave.

- A. The Uniformed Services Employment and Reemployment Rights Act (USERRA) protects the job and benefits, for up to five years (or more in some cases), of a service member who must leave his or her civilian job because of military orders to report for training or active duty, voluntary or involuntary, in peacetime or wartime.
- B. Military Leave for Reserve or National Guard Activities (§ 20-1-1 NMSA 1978). USERRA requires service members, or a responsible representative of the military unit, to provide advance written or verbal notice to their employers for all military duty unless giving notice is impossible, unreasonable, or precluded by military necessity. Paid Military leave is granted for authorized reserve or National Guard activities for a

maximum of fifteen (15) working days with pay during a one (1) year period based on the federal government's fiscal year from October 1 to September 30. Military leave must be requested twenty (20) working days in advance, unless a national or state emergency exists and an immediate call-up is initiated in which case notice as soon as possible is required. The employee must furnish proof of duty orders or other documentation prior to leave being granted unless the leave is for emergency purposes.

- C. Extended Unpaid Military Leave. Employees voluntarily or involuntarily serving on active duty for more than fifteen (15) working days may use accrued annual leave. When military leave has been exhausted, employees have the option of being placed on leave without pay (LWOP) or using accrued leave. Employees may use all of their annual leave on consecutive days or use up to twenty-seven (27) hours per pay period in order to maintain their group insurance benefits. Employees who exhaust their annual leave shall then be placed on LWOP for the remainder of time they are on active duty. Employees shall not receive pay or accrue leave while on LWOP. Employees wanting to maintain insurance benefits while on military duty will be required to pay the employee's share of their premium.
- D. Service members are entitled to return to their County job and receive pay raises, promotions, pension credit and other seniority benefits as if you had been continually employed, provided certain eligibility criteria are met. Protection under the USERRA applies if:
 - 1. The job the employee left was for more than a brief, non-recurrent period, with no reasonable expectation that such employment would continue indefinitely or for a significant period.
 - 2. The employee left this job for the purpose of entering active duty.
 - 3. The employee is discharged under honorable conditions.

AND

- 4. The employee applied for reemployment within the applicable time limit.
- E. If these criteria are met, the USERRA provides the following protections:
 - 1. The employee is entitled to return to the prior position with the same seniority, benefits, pay, and, additionally, any promotion or raise which could have been reasonably expected if the employee had remained continuously on the civilian job.
 - 2. The County is required to offer disabled veterans the "nearest approximation" of the job the service member could have reasonably expected with continuous employment.
 - 3. Service members are protected from being discharged for the protected time period allotted by USERRA according to the time served on active duty, unless the County proves misconduct or violation of policies.
 - 4. To be re-employed in the same position, the employee's return to work must occur within the following guidelines:
 - i. For a service period of 1-30 days, the employee must report to work immediately by the first regularly scheduled work day;

- ii. For a service period of 31-180 days, the employee must make application for re-employment within 14 calendar days after he/she is relieved from training or duty;
- iii. For a service period of 181 days or more, the employee must make application for re-employment ninety (90) calendar days after he/she is relieved from training or duty;
- iv. An employee who is released from hospitalization of a service-related injury, continuing after discharge for a period of not more than one (1) year, must make application for re-employment ninety (90) calendar days after he/she is relieved from training or duty.

F. Employees may qualify for up to twelve (12) weeks of leave for certain qualifying exigencies arising out of a covered military member's active duty status, or notification of an impending call or order to active duty status, in support of a contingency operation under the FMLA.

10.25 Light Duty Return-To-Work. Employees who are on leave due to an injury or illness may be eligible to return to work on light duty status after their physician certifies their fitness to do so. The department director or elected official and the Human Resources Manager will determine if there is a position or duties suitable for an employee to perform light duty work. The County retains full discretion as to whether or not an employee is eligible for light duty status.

- A. **Coordination with Attending Physician.** An employee on leave due to a work-related disability can return to work only when the County receives the attending physician's written medical release authorizing such return. The Human Resources Manager is responsible for providing the physician with a copy of the employee's job description, copies of job descriptions for potential restricted duty assignments, and written information explaining the County's return-to-work program.
- B. **Return-to-Work Options.** Arrangements to facilitate an employee's early return to work are made in consultation with the employee's attending physician and/or other qualified medical professionals retained by the County or its insurance carrier. The following options will be explored:
 - 1. **Return to prior position.** An employee is offered the opportunity to return to his or her prior position if the attending physician certifies that the employee can perform the essential functions of the job with or without reasonable accommodations. The Human Resources Manager or his/her designee is responsible for working with the employee's supervisor and attending physician (and third-party consultants, as necessary) to provide any reasonable accommodations.
 - 2. **Restricted duty.** Any employees who are not yet able to return to their former duties are offered, subject to the restrictions set out in Section 5.2 of these Rules, a temporary restricted duty assignment that has been approved by the employee's attending physician. The Human Resources Manager is responsible for working with the employee's supervisor, and the employee's attending physician to develop and implement the restricted duty assignment. The assignment can consist of the

employee's regular job, with reduced working hours or reduced activities, or an alternative restricted duty position.

C. Limitations on Restricted-Duty Assignments. The following limitations apply to restricted duty assignments:

1. No guarantee of work. As provided in Section 5.9 of these Rules, the County will endeavor to return employees to gainful employment as soon as possible by exploring possible restricted duty assignments. However, the County does not guarantee the availability of restricted duty work.
2. Pay rates and Workers' Compensation benefits. Employees on restricted duty are not guaranteed the rate of pay they received for the position they held at the time they sustained their work-related injury or illness. The pay rate for a restricted-duty assignment is based on the knowledge, skills, and abilities required for the job as well as general market conditions. Employees who return to work before they have reached maximum medical improvement (MMI) may be eligible for temporary partial disability benefits under the state Workers' Compensation program, if they earn less than they earned in the position held at the time they sustained the work-related accident or illness. Employees in restricted duty positions are not permitted to supplement their workers' compensation benefits by using their accrued annual, personal, or medical/sick leave.
3. Four (4) week limit. Restricted duty assignments are temporary arrangements intended to complement and facilitate the healing process. Restricted-duty assignments cannot exceed four (4) weeks without approval from the department director or elected official and approved by the County Manager.

D. Employee Refusal of Work/Training. In the event that an employee refuses to return to regular or restricted duties in response to a written, bona fide offer of employment by the County sent via certified mail, the employee is separated from the County and his/her position will be filled permanently (NOTE: An exception to this rule applies in the case of employees who have not yet exhausted their FMLA leave entitlement, refer to subsection F.).

A written offer of employment shall be on a form promulgated by the County Manager and must clearly state:

1. The position offered and the duties of the position;
 2. The County's agreement to any limitations or conditions set out in the attending physician's certification of the employee's fitness to return to work;
 3. The job's essential functions; and
 4. The job's start date, wage, working hours, supervisor and location;
 5. Length of assignment and required training.
- E. Coordination with FMLA. Nothing in these Rules should be construed as denying employees their rights under the FMLA or any other federal or state law.
- F. It is the County's policy to designate an employee's absence from work due to a work-related injury or illness as FMLA leave to the extent allowed by federal law. Employees entitled to FMLA leave can voluntarily accept restricted duty assignments while they are recuperating, but they cannot be required to do so. Employees who lose their workers' compensation benefits as a result of declining a restricted duty assignment are required to

substitute any available paid leave, such as accrued annual, personal, or medical/sick leave, for unpaid FMLA leave.

- G. Until employees have exhausted their twelve (12) week FMLA entitlement, they have the right to be reinstated to their original job or an equivalent job providing they are able to perform the job's essential functions.

10.26 Change in FLSA Status

- A. Upon change from FLSA non-exempt to FLSA exempt status, employees shall be paid a lump sum for the unused portion of their accrued compensatory leave, overtime, sick leave and vacation leave.
- B. The lump sum payment shall be calculated based on the non-exempt salary rate.
- C. Upon change from non-exempt to exempt status and transfer to a new department, employees shall be paid the lump sum for the unused portion of their accrued compensatory leave by their previous department.
- D. If an employee's change in status is contingent upon a 90 day trial period, pursuant to section 5.2 of this Ordinance, the lump sum payment shall not be made until successful completion of the trial period.

XIII. SECTION XI: SUBSTANCE ABUSE POLICY

A. 11.0 Purpose

- A. The Socorro County Commission has adopted this employee substance abuse policy and a drug and alcohol testing policy for the County of Socorro, Sheriff's Department, Road Department, Detention Center Department, Solid Waste Department and all other safety sensitive employees. A safety sensitive employee is an employee who performs duties for the County of Socorro which have safety ramifications for themselves, fellow employees and the general public. These positions may include but are not limited to employees who operate equipment/vehicles, have access to confidential information and/or receive calls for public service.
- B. The purpose of this policy is to assure worker fitness for duty and to protect our employees and the public from the risks posed by the misuse of alcohol, the use of prohibited drugs and the misuse of legal drugs. The County is concerned only with those situations where use of alcohol and other drugs seriously interferes with any employee's health, his job performance and adversely affects the job performance of other employees or is considered to be so serious as to be detrimental to the County's operations and the safety of himself/herself and others. There is no intent to intrude upon the private lives of employees.

11.1 Safety Sensitive Employees. This policy applies to all safety-sensitive positions within the County of Socorro. All safety sensitive employees for the County of Socorro are covered by this policy. Adherence to this testing policy is a condition of employment for all safety-sensitive positions. Safety-sensitive functions refer to any functions contained within an employee's realm of responsibilities that have an impact upon the safety and general welfare of the public. It has been determined by the County of Socorro that there are positions within the

County of Socorro, which are of a safety sensitive nature and as such, create the need for compliance with this policy.

11.2 Policy. The County of Socorro is dedicated to providing safe, dependable and economical services to our public. County of Socorro employees are our most valuable resource and it is our goal to provide a healthy, satisfying working environment, which promotes personal opportunities for growth. In meeting these goals, it is our policy to (1) assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner; (2) create a workplace environment free from the adverse effects of drug abuse and alcohol misuse; (3) prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances; and (4) to encourage employees to seek professional assistance anytime personal problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties.

- A. All safety-sensitive employees will receive training on the effects and consequences of prohibited drug or alcohol use on personal health, safety and the work environment, and the signs and symptoms which may indicate prohibited drug or alcohol use. The County will schedule mandatory classes but it is ultimately the responsibility of the employee to attend a class provided for by the County.
- B. All department heads and supervisors designated to determine whether reasonable suspicion exists to require a covered employee to undergo alcohol/drug testing will receive training on the physical, behavioral, speech and performance indicators of probable prohibited drug or alcohol misuse.

11.3 Prohibited Substances. “Prohibited substances” addressed by this policy include the following:

- A. Illegally used controlled substances or drugs. Includes, but is not limited to: marijuana, amphetamines, methamphetamines, opiates, phencyclidine (PCP), and cocaine, as well as drugs not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. The collection agency shall adhere to all requirements outlined in 49 CFR, Part 40 DOT Guidelines in determining what constitutes a positive test.
- B. Legal Drugs. The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected shall be reported by the employee to supervisory personnel and medical advice shall be sought by both the employee and supervisor, as appropriate, before performing safety-sensitive functions. A legally prescribed drug means that an individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the patient’s name, the name of the substance, quantity/amount to be taken, frequency and the period of authorization. The misuse or abuse of legal drugs while performing official business is prohibited.
- C. Alcohol. The use of beverages or medications containing alcohol, subject to Paragraph 11.3(B) above.

B. 11.4 Prohibited Conduct

- A. **Manufacture, Trafficking, Possession, and Use.** Employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or sale of prohibited substances while on duty on County premises, or in County vehicles. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.
- B. **Intoxication/Under the Influence.** Any safety-sensitive employee who fails a drug test or has a breath alcohol concentration of 0.04 or greater shall be removed from their safety-sensitive position and referred to an SAP (substance abuse professional). A safety-sensitive employee with a breath alcohol concentration of 0.02 or greater, but less than 0.04 shall be immediately removed from their safety-sensitive position for a minimum of 8 hours or until they can pass an alcohol test with a BAC of less than 0.02. If a breath analyzer is unavailable, testing will be conducted via blood test.
- C. **Alcohol Use.** No safety-sensitive employee should report for duty or remain on duty when his/her ability to perform assigned safety-sensitive functions is adversely affected by alcohol or when his/her breath alcohol concentration is 0.04 or greater. No safety-sensitive employee shall use alcohol while on duty, or while performing a safety-sensitive function. No safety-sensitive employee shall use alcohol within four hours of reporting for duty; or during the hours that they are scheduled on call; or up to eight hours following an accident or until tested; or anytime during a period when that employee may have to perform safety-sensitive functions. Employees, who are not scheduled on call, shall upon being notified to report to duty, acknowledge alcohol use and their inability to perform his/her safety-sensitive function and shall be excused from doing so without further consequences. No County employee under the age of 21 shall have a breath alcohol concentration of .02 or greater at any time while performing duties for the County. Violation of these provisions is prohibited and punishable by termination.
- D. **Compliance with Testing Requirements.** All safety-sensitive employees shall be subject to urine drug testing and breath alcohol testing. Refusal to comply with a request for testing, refusal to sign the drug testing chain of custody form, refusal to sign Step #2 on the alcohol breath testing form, inability to provide sufficient quantities of breath or urine to be tested without a valid medical explanation, tampering with or attempting to adulterate the specimen or collection procedure or not reporting to the collection site in the time allotted, shall constitute a verified positive test result.

C. 11.5 Testing Which Results In a Dilute Specimen

- A. **Definitions:**

Dilute Drug Screen – A drug screen which is identified by the testing lab as an irregular specimen pertaining to the specimen's specific gravity and creatinine concentration. (The irregularity in specific gravity minimizes the reliability of the testing procedure and therefore reduces the reliability in the results.)

Primary Test – A test which is conducted under Sections 11.10, 11.11 or 11.12.

Monitored Tests – The County of Socorro will offer all employees who are required to take a second level test the opportunity to have the test monitored by a supervisor.

B. Dilute Drug Screen Procedure:

A dilute drug screen for Sheriff Department, Road Department, Detention Center Department and all other safety sensitive County employees who are covered by this policy will be handled as follows:

1. Primary Test:

Identified as Dilute

- a. The employee shall enter into a re-entry contract as defined in Section 11.17 and 11.18 or
 - b. If the employee's physician certifies in writing that there is a valid medical cause for the dilute result, unrelated to illegal drug use or prescription drug abuse, the employee may submit to a hair sample test, at the County's expense, to contest the results.
 - c. The employee without a physician's certification, may submit to a hair sample test to contest the results if the employee pays, in advance, for the cost of the test.
- 2. Second Level Test (test for re-entry purposes or follow-up tests defined within a re-entry contract):**
- a. Monitored Dilute – The County will accept the test results as provided by the lab (a test will be monitored only at the request of the employee)
 - b. Unmonitored Dilute – Shall result in termination as stated in the re-entry contract.

C. Dilute Specimen Test for Employment Applicants: Any applicant for employment with Socorro County whose pre-employment drug and alcohol screen test is identified as dilute, shall not be eligible for employment and is precluded from re-application for employment for:

1. a period of six (6) months from the date of the test or
2. The applicant may submit to a hair sample test to contest the results if the applicant pays, in advance, for the cost of the test. In the event the hair sample test results are negative, the applicant will be eligible for immediate hire.
3. If the employee's physician certifies in writing that there is a valid medical cause for the dilute result, unrelated to illegal drug use or prescription drug abuse, the employee may submit to a hair sample test to contest the results.

11.6 Treatment Requirements. All employees are encouraged to make use of the available resources for treatment for alcohol misuse and illegal drug use problems. Under certain circumstances, employees may be required to undergo treatment for substance abuse or alcohol misuse. Any employee who refuses or fails to comply with County of Socorro

requirements for treatment, after care, or return to duty will be subject to termination. The cost of any treatment or rehabilitation services will be paid for directly by the employee or their insurance provider. Employees will be allowed to take accumulated sick leave and vacation leave to participate in the prescribed rehabilitation program.

11.7 Proper Application of the Policy. The County of Socorro is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, department heads/supervisors are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any department head/supervisor who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, will be subject to disciplinary action, up to and including termination.

11.8 Testing Procedures.

- A. All safety-sensitive employees of the County of Socorro shall be subject to drug (urine) and alcohol testing for reasonable suspicion, return to duty, follow-up or random and may be subjected to testing following an accident. Follow-up testing will be conducted for a period of one to five years, with up to six tests performed during the first year and as many as four in subsequent years. The Substance Abuse Professional (SAP) may determine the frequency and duration of follow-up testing.
- B. Testing shall be conducted using techniques, equipment and certified laboratory facilities to ensure a high degree of accuracy and reliability. Alcohol testing may only occur during or immediately before/after performing safety sensitive duties and up to eight hours following an accident. Drug testing may occur any time while performing duties for the County of Socorro and up to 32 hours following an accident.

11.9 Pre-Employment Drug & Alcohol Screening. All applicants for employment with Socorro County shall be required to take a drug and alcohol screening test when they report for their pre-employment medical examination or when otherwise directed by the County Manager or his/her designee. Any applicant for employment with Socorro County who's pre-employment drug and alcohol screen test is identified as positive, shall not be eligible for employment and is precluded from re-application for a period of one (1) year from the date of the test.

11.10 Employee Requested Testing. Any safety-sensitive employee who questions the result of a required drug test under paragraphs 11.10 through 11-15 of this policy may request that an additional test be conducted. This test will be conducted at a different certified laboratory. The test will be conducted on the split sample that was provided by the employee at the same time as the original sample. The method of collecting, storing, and testing the split sample will be consistent with acceptable testing standards. The employee's request for a split sample test must be made to the Medical Review Officer* within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee. An employee requested test will be at the expense of the employee.

11.11 Reasonable Suspicion Testing. All employees shall be subject to urine and/or breath testing when there is reasonable suspicion to believe the employee is under the influence of prohibited substances. A reasonable suspicion referral for testing will be made on the basis of articulatable objective facts and circumstances, which are consistent with the short-term effects of substance abuse. Examples of reasonable suspicion include, but are not limited to the following:

- A. Physical signs and symptoms consistent with prohibited substance use.
- B. Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, drugs, alcohol, or other prohibited substances.
- C. Occurrence of an accident that may have been caused by use of a prohibited substance or alcohol misuse.
- D. Fights (to mean physical contact), assaults, and flagrant disregard or violations of established safety, security, or other operating procedures.

11.12 Post-Accident Testing. Any County employee involved in an accident occurring on County property or involving County equipment/vehicle may be subject to a drug or alcohol test at the request of the Department Head and approval of the County Manager.

* Medical Review Officer – See DEFINITIONS Section 11.21.

D. 11.13 Random Testing

- A. Employees in safety-sensitive positions shall be subjected to random, unannounced drug testing. The selection of safety-sensitive employees for random drug testing will be made using a scientifically valid method that ensures each covered employee that they will have an equal chance of being selected each time selections are made. The random tests will be unannounced and spread throughout the year on all days and during all hours of operation.
- B. When a safety-sensitive employee is informed of a random drug test they must be tested as soon as is practibly possible but in a time not to exceed 3 hours. All employees who have been randomly selected or are testing in conjunction with Rule 11.11 will be notified, in writing, by the County Manager a department head or supervisor. All tests will be collected as a split sample giving the employee the opportunity to exercise his/her right to an additional test (Section 11.10) on the sample which was collected. Should the County's agent not collect a split sample, the results of the test, for which a split sample was not collected, will be disregarded by management and the employee will not be required to re-test for this specific testing period.
- C. All safety sensitive employees shall be placed in a selection pool and random drug testing shall come from this predetermined pool. The individual pools shall be defined as follows:
 - 1. Sheriff's Department
 - 2. Road Department
 - 3. Detention Center
 - 4. Waste Management Department
 - 5. All other safety-sensitive employees

- D. Shift employees, or employees who are not at work on the day of the scheduled test (random or otherwise), and who have been selected for testing, will be required to test immediately upon their return to work/duty and will be notified and expected to adhere to the rules as described above.

11.14 Return-To-Duty Testing*. A return-to-duty test is required of an employee who has had a positive drug or alcohol test and must be passed (negative non-dilute) before they can return to a safety-sensitive position. The SAP must first clear the employee to return-to-regular-duty after the evaluation and insure the employee has consented to treatment. The return-to-duty test may be for drugs and/or alcohol as required. Any work missed due to a positive drug/alcohol test or due to treatment shall be charged to the employee's sick leave and/or annual leave (employee's choice) or leave without pay if the employee has no leave balances.

11.15 Follow-Up Testing*. Once allowed to return to duty, safety-sensitive employees shall be subject to unannounced follow-up testing for at least 12 but not to exceed 60 months. The frequency and duration of the follow-up testing may be recommended by the SAP as long as not more than six tests are performed during the first 12 months after the employee returns to duty. Follow-up testing is separate from and in addition to the random testing program.

11.16 Employment Assessment. An SAP may refer any safety-sensitive employee who tests positive for the presence of illegal drugs or alcohol above the minimum thresholds for evaluation. An SAP is a licensed or certified physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol-related and drug-related disorders. The SAP may evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited drug use or alcohol misuse. Employees may select the SAP of their choice as long as the criteria above is met.

11.17 Departmental Rule for Positive Drug/Alcohol Test.

- A. Any probationary employee who, as a result of this policy tests positive for drugs and/or alcohol, will be terminated immediately.
- B. Any employee who has been placed on time for improvement and who tests positive for drugs/alcohol as defined by this policy will be terminated from employment.
- C. Sheriff's Department & Detention Center (includes certified law enforcement officer, dispatchers, administrative personnel, detention center officers and animal control officers).
 - 1. A positive prohibited substance/alcohol test for an officer or dispatcher shall be reported to the New Mexico Law Enforcement Academy Director as outlined in the NMLEA Handbook Subsection B4 of 10.29.1.11 NMAC.
 - 2. Any certified or uncertified law enforcement officer, dispatcher, administrative personnel, detention center officer or animal control officer who tests positive for prohibited substances and/or alcohol under this policy shall be terminated from employment with the County of Socorro, Section 7.10.
 - 3. Any County of Socorro Deputy, Dispatcher, Animal Control Officer, Detention Center Officer or Sheriff Administrative Personnel whose primary test is

determined to be a dilute test will be subject to the terms and conditions as defined below (this does not include tests taken as a result of a re-entry contract which are monitored tests and are determined to be dilute):

- D. Road Department and Solid Waste Department covered employees (any employee who operates machinery, heavy equipment or has a CDL)
 - 1. Any Road Department and Solid Waste Department covered employee who tests positive for prohibited substances and/or alcohol under this policy shall be terminated from employment with the County of Socorro, Section 7.10.
 - 2. Any Road Department and Solid Waste Department covered employee whose primary test is determined to be a dilute test will be subject to the terms and conditions as defined below (this does not include tests taken as a result of a re-entry contract which are monitored tests and are determined to be dilute):
- E. Any County of Socorro Sheriff Department, Detention Center, Road Department and Solid Waste Department employees (as defined above) who are covered by this policy and whose primary test is determined to be dilute as herein defined, shall be subject to the terms and conditions of:
 - 1. The re-entry contracts defined below;
 - 2. Rule 11.13 of this policy, and;
 - 3. Rule 11.14 of this policy.
 - 4. If applicable, any CDL provisions that may apply.
- F. County of Socorro safety sensitive employees shall be terminated upon violation of any of the terms and conditions of the individual's re-entry contract (defined below). An unmonitored dilute, second level test for Sheriff Department, Detention Center, Road Department and Solid Waste Department employees (subject to a re-entry contract) shall result in termination of employment

11.18 Re-Entry Contracts (general safety sensitive employees).

- A. Employees who re-enter the workforce must agree to a re-entry contract. That contract may include, but is not limited to:
 - 1. A release to work statement from the Substance Abuse Professional.
 - 2. A negative test for drugs and/or alcohol. (Section 11.14)
 - 3. An agreement to unannounced frequent follow-up testing for a period of one to five years with up to six tests performed the first year (Section 11.15).
 - 4. A statement of expected work-related behaviors.
 - 5. An agreement to follow specified after care requirements with the understanding that violation of the re-entry contract is grounds for termination.
 - 6. County of Socorro safety sensitive employees shall be terminated upon violation of any of the terms and conditions of the individual's re-entry contract (defined below). An unmonitored dilute, second level test for Sheriff Department, Detention Center Department Road Department or Solid Waste Department employees (subject to a re-entry contract) shall result in termination of employment.
- B. Any safety sensitive employees not covered above shall be terminated upon violation of any of the terms and conditions of the individual's re-entry contract (defined below).

11.19 Detection. The County reserves the right to inspect, at any time, all County property and all County vehicles and equipment for the presence of prohibited substances or alcohol. All inspections will be scheduled as deemed necessary by the County Manager or his/her designee and conducted by the Socorro Sheriff's Department.

E. 11.20 Voluntary Request for Assistance.

- A. The County of Socorro intends to give the same consideration to persons who voluntarily request assistance (prior to being randomly selected or selected for cause) with chemical dependencies as it does to employees having other diseases.
- B. Early recognition and treatment of chemical (drug and alcohol) dependency problems is important for successful rehabilitation and reduced personal, family and social disruption. The County supports sound treatment efforts and an employee's job will not be jeopardized for conscientiously seeking assistance prior to random selection or selection for cause. Normal County benefits, such as sick leave and the group medical plan, are available to give help in the rehabilitation process to any employee who voluntarily requests assistance for chemical dependencies.

F. 11.21 Definitions

Medical Review Officer (MRO) – The MRO is a licensed physician who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate positive drug test results. The List of primary responsibilities below is followed by standard operating procedures necessary to carry out those responsibilities:

- A. Receive test results from the laboratory
- B. Review all drug testing results prior to reporting
- C. Verify that the laboratory report and assessment are correct
- D. Review and interpret each confirmed lab tested positive result
- E. Conduct a medical interview, providing an opportunity for the employee to discuss a positive test result
- F. Notify employer of verified positive test
- G. Process employee request for re-test
- H. If necessary, re-analyze the original specimen to determine the accuracy of the test result

G. 11.22 Records

- A. All records of the controlled substance abuse prevention program must be kept in a secure location with controlled access in the County Manager's Office. Regulation requires that certain records according to their importance be maintained for varying lengths of time, from one (1) to five (5) years.
- B. Records must be kept confidential and be made available for inspections by the County Manager within two (2) business days following a request by an authorized representative of the Federal Highway Administration. These records should not be made a part of a driver's personnel file.

C. The following are entitled access to these records through approval of the County Manager:

1. CDL Issuer or his/her representative;
2. The Secretary of Transportation;
3. Any Department of Transportation Agency;
4. Any State or Local Official with regulatory authority over the employee;
5. Any prospective employer with the employee's written permission.

11.23 Confidentially. No laboratory reports or test results shall appear in the employment personnel file unless they are a part of a disciplinary action, but shall be placed in a special locked file.

XIV. SECTION XII: EMAIL & INTERNET USE

12.0 Access. Access to the Internet through the Socorro County is a privilege. Users granted this privilege must adhere to strict guidelines concerning the appropriate use of this information resource. Users who violate the provisions outlined in this document are subject to disciplinary action up to and including termination. In addition, any inappropriate use that involves a criminal offense will result in legal action. All users are required to acknowledge receipt and understanding of guidelines contained in this document.

12.1 Purpose & Scope. To define policies and procedures for access to the Internet through the Socorro County network infrastructure. This policy applies to all personnel with access to Internet and related services through the Socorro County network infrastructure. Internet Related services include all services provided with the TCP/IP protocol, including but not limited to Electronic Mail (e-mail), File Transfer Protocol (FTP), and World Wide Web (WWW) access. Internet access includes connections via DSL subscriptions, phone modem access, server-to-Internet access or T1 line access.

12.2 Acceptable Use. Access to the Internet is specifically limited to activities in direct support of official Socorro County business.

- A. In addition to access in support of specific work related duties, the Socorro County Internet connection may be used for educational and research purposes.
- B. If any user has a question of what constitutes acceptable use he/she should check with their supervisor for additional guidance. Management or supervisory personnel shall consult with the County Manager for clarification of these guidelines.

12.3 Inappropriate Use. Socorro County Internet access shall not be used for any illegal or unlawful purposes. Examples of this would be the transmission of violent, threatening, defrauding, pornographic, obscene or otherwise illegal or unlawful materials

- A. Use of Socorro County electronic mail or messaging services shall be used for the conduct of Socorro County, business only. These services shall not be used to harass, intimidate or otherwise annoy another person.

- B. The Socorro County, Internet access shall not be used for private, recreational or other non-Socorro County related activity.
- C. The Socorro County Internet connection shall not be used for commercial or political purposes.
- D. Use of the Socorro County, Internet access shall not be used for personal gain such as selling access of a Socorro County user login. Internet access shall not be used for or by performing work for profit with Socorro County resources in a manner not authorized by Socorro County.
- E. Users shall not attempt to circumvent or subvert security measures on Socorro County's network resources or any other system connected to or accessible through the Internet.
- F. Socorro County users shall not use Internet access for interception of network traffic for any purpose unless engaged in authorized network administration.
- G. Socorro County users shall not make or use illegal copies of copyrighted material, store such copies on Socorro County equipment, or transmit these copies over the Socorro County network.

12.4 Internet & E-Mail Etiquette. Socorro County employees shall ensure all communication through Socorro County email or messaging services is conducted in a professional manner. The use vulgar or obscene language is prohibited.

- A. Socorro County users shall not reveal private or personal information without specific approval from management.
- B. Users should ensure that e-mail messages are sent to only those users with a specific need to know. The transmission of e-mail to large groups or messages with large file attachments should be avoided.
- C. Electronic Mail is not guaranteed to be private. Messages transmitted through the Socorro County e-mail system or network infrastructure are the property of Socorro County and are therefore subject to inspection.

A. 12.5 Security

- A. Socorro County users who identify or perceive an actual or suspected security problem shall immediately contact the Socorro County Information Systems Security Manager.
- B. Users shall not reveal account passwords or allow another person to use their account. Similarly, users shall not use the account of another user.
- C. Access to the Socorro County network resources shall be revoked for any user identified as a security risk or a demonstrated history of security problems.

12.6 Penalties. Any user violating these policies is subject to the loss of network privileges and any other Socorro County disciplinary actions as detailed in Section 7 of this ordinance.

12.7 No Expectation of Privacy. Users should not expect any information transmitted via Socorro County's systems to remain private or confidential.

- A. Socorro County may monitor use of any part of County Systems at any time, without notice, at its discretion. Such monitoring may include, but is not limited to limiting size,

accessing, listening to, reading, or retrieving voice mail messages, e-mail, Internet communications, or local files.

- B. Users should be aware that deleted files or other communications may be retrieved and review by Socorro County Management.
- C. Users are prohibited from, among other things, accessing, listening to, reading or retrieving other team members' e-mail, voice mail, or Internet communications unless specifically authorized to do so by Management.

12.8 User Compliance. All terms and conditions as stated in this document are applicable to all users of the network and the Internet connection.

12.9 Protection & Handling of Sensitive Information. It is the responsibility of every County employee to ensure the protection of sensitive information and comply with all information technology policies. This includes but is not limited to ensuring such information does not leave the County network, making a reasonable effort to redact sensitive information when sharing records and protecting security account information.

XV. SECTION XIII: PAY POLICY

13.1 Purpose. This Section outlines the provisions for the County's system of comparing and classifying positions according to their relative equivalence for the purpose of establishing fair and equitable promotion and pay compensation for employees. The Board approves all positions and salaries as part of the fiscal year budget process.

13.2 Applicability. The provisions of this section shall apply to all employees except that Contract Employees and unclassified employees are subject to wage increases as negotiated and approved by the Board.

- A. Elected officials who include Commissioners, Clerk, Treasurer, Assessor, Sheriff, and Probate Judge are subject only to the statutory provisions of law subject to budget availability and determination by the Board as to the amount to be paid annual to any elected official as determined in the budget process.
- B. Chief deputies shall receive 85% of the related elected official's salary as their fixed salary and shall serve at the pleasure of the elected official. The Sheriff's Administrator serves at the pleasure of the Sheriff and shall receive a fixed salary of 70% of the Sheriff's fixed salary. In addition to their fixed salary Chief Deputies and the Sheriff's Administrator shall be eligible to receive longevity pay as appropriated by the Board of County Commissioners.

13.3 Pay Compensation Process Overview. The pay compensation system includes provisions for:

- A. entry level wages;
- B. transfers;
- C. demotions;
- D. cost of living wage increases;

- E. promotion wage increases;
- F. performance merit increases.

The Board may at their discretion amend the general wage and classification plan and the general wage schedule by resolution or motion of the Board when deemed appropriate.

13.4 Entry Level Wages. All new employees are normally hired at the Entry level position for the level of position that has been vacated or otherwise approved for hire by the elected official or department director, subject to budgetary constraints and the approval of the County Manager.

13.5 Cost of Living Wage Increases. The Board may consider an across the board cost of living wage increase concurrent with approval of the budget each fiscal year or as otherwise approved by the Board. Cost of living increases will normally become effective the first pay period proceeding July 1 of each fiscal year or as otherwise approved by the Board.

13.6 Position Specifications Requirements. Each position has a written Position Specification which includes specifications for minimum qualifications, education, experience, abilities, skills, license, or certification requirements, and a description of duties and responsibilities required for the position.

13.7 Grandfather Clause. Any employee whose position specification is revised is subject to the experience, education, or certification requirements of the new position specification shall show satisfactory progress to meet the new standards within six (6) months or may be subject to reclassification, transfer or dismissal.

13.8 Contents of Personnel File. Subsequent to hiring, a separate record file shall be prepared and maintained for each employee. These records shall be kept in the Human Resources Manager's office. It is the responsibility of each elected official or department director to ensure that the records of the employees are complete and up-to-date. The file shall contain a minimum of the following records:

- A. the original application form;
- B. the originating personnel action showing occupation, position classification, date of beginning employment and salary and a signed receipt, evidence of receiving these Rules;
- C. copies of personnel action forms.
- D. copies of all performance evaluations, if applicable;
- E. copies of all favorable or unfavorable letters or memorandums such as letters or certificates of appreciation or records of other outstanding achievements regardless of origination, so long as the procedure applicable to written reprimands is followed;
- F. records or certificates of educational training or orientation achievement completion;
- G. records of disciplinary actions such as reprimands, suspensions, demotions or dismissal; and
- H. application for retirement program.

13.9 Access to Personnel Files. Personnel files are the property of the County and access to the information they contain is restricted. Generally, only immediate supervisors and management personnel of the County who have a legitimate reason to review information in a file are allowed to do so. Employees who wish to review their own file should contact the Human Resources Manager's office. With reasonable advance notice, employees may review their own personnel files in County's offices and in the presence of an individual appointed by the County to maintain the files.

XVI. SECTION XIV: EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION PLAN

14.1 Purpose. The purpose of this section is to recruit, employ and promote the most qualified applicants or employees to work in County employment. Employment and promotional opportunities shall be based solely upon ability and demonstrated competence, not upon extraneous factors. Age, sex, marital status, national origin, religion, race, sexual preference, political affiliation and handicaps not related to ability to perform the job sought, are declared extraneous factors that shall have no bearing on employment or promotional opportunities within County service.

14.2 Statement of Policy. It is the policy of the County to comply with the provisions of Title VI and Title VII of the Civil Rights Act of 1964, amended by the Equal Employment Opportunity Act of 1972 and Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, in all employment and programs administered by the County. The County affirms that individuals will be considered for employment or promotion on the basis of bona-fide occupational qualification only. Each employee or prospective employee will be advised of this policy. All announcements or notices regarding position openings or opportunities will contain the words "An Equal Opportunity Employer".

14.3 Management Responsibility. The Human Resources Director will counsel elected officials and department directors as they investigate and resolve internal complaints of employment discrimination filed by County employees or employment applicants. The Human Resources Director shall be the referral officer for the County to receive notice of alleged unlawful employment practices from the Equal Employment Opportunity Commission (EEOC) as provided for in Public Law 88-352, Title VII, Section 706(C); 78 Stat. 241 (42 USC 2000e-5).

14.4 Complaint Procedures. Any employee or person refused employment or who believes he/she has been subjected to a discriminatory employment act or practice prohibited by federal or state law shall file with the Human Resources Director a written and signed statement of facts setting out the basis of the complaint.

- A. Upon receiving a written and signed complaint or upon receiving notice of an alleged unlawful employment practice from an individual, the Human Resources Director shall immediately conduct an investigation and attempt to resolve such complaint informally and forward copies of the investigation and results to the elected official/department director and County Manager.

- B. If the complaint is not resolved informally by the process set forth in subsection A above, it will go before a Hearing Officer appointed by the County Manager. The Hearing Officer shall conduct a hearing not more than forty-five (45) days after the complaint has been received by the Human Resources Manager. The complainant, complainant's attorney (if any), the County Manager, Human Resources Director, County Attorney, elected official or department director, and the employee allegedly responsible for the discriminatory act or practice, shall be given five (5) days written notice of the hearing, together with a copy of the complaint filed with the Human Resources Director.
- C. At the hearing, the complainant and respondent shall have the right to be represented by counsel; all testimony shall be received under oath, and the Hearing Officer shall have the authority to issue administrative subpoenas for the attendance of any County employee as a witness.
- D. The Hearing Officer shall report findings and recommendations in writing to the County Manager and elected official or department director not more than twenty (20) days after hearing the complaint. A full record of the proceedings shall be kept either by audio media or in writing by the Human Resources Director in a confidential file.

14.5 Remedies. In the event the County Hearing Officer determines that a discriminatory act or practice has occurred, the County Manager may take appropriate action including, but not limited to, reinstatement, hiring or promotion of the aggrieved individual, with or without back pay, or any other equitable administrative relief necessary to correct and rectify the discriminatory act or practice. Nothing in this policy prohibits any aggrieved party from seeking remedy through the state or federal agency responsible for such actions.

XVII. SECTION XV - MISCELLANEOUS

15.1 Designated Work Areas. All employees are to be at their designated work areas on time and ready to work. They shall work until the scheduled quitting time, unless permission of the supervisor has been obtained for different work hours. Employees shall not litter work areas and will keep such areas neat and clean.

15.2 Personal Business. Personal business shall not be conducted during work hours.

15.3 Safety. The County is committed to having all work conducted in a safe manner. All safety precautions shall be followed in accordance with federal, state, or county policies.

15.4 County Property. Employees shall not misuse or destroy County property, records, or other material in their care, control, or custody; nor shall any County property, records, or other material be removed from the premises of the County offices unless written permission by the department director or elected official has been given. Employees shall not use County property, records or equipment for personal use.

15.5 County Vehicles. No County vehicle will be taken out of the County without permission of the elected official or department director and employees shall notify the elected official or department director of their destinations and itineraries. County vehicles shall be used for County business only. County vehicles may not be taken home unless designated permissible

as defined in the Accident Prevention Program Policy and adheres to Section 9.7 Fringe Benefits. The Socorro County Vehicle Accident Prevention Policy Program adopted by the Board of County Commissioners June 27, 2006 as may be amended from time to time is hereby adopted and incorporated into this Ordinance by reference.

- A. County vehicles shall not be used for personal business, except as is incidental in commuting. Employee family members or passengers not on official County business are not allowed to ride in a County vehicle and strict adherence to this policy is directed to all employees operating a County vehicle.
- B. No Smoking in Vehicles or Motorized Equipment. Smoking in all county vehicles or motorized equipment is prohibited.

15.6 Personal Appearance. Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image the County presents to customers and visitors.

- A. During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Employees who meet the public, both internal and external, must dress in appropriate business attire at all times. Employees may observe casual dress on Friday if the above stipulation does not apply. Examples of questionable work attire are sun dresses with bare backs and/or shoulders, men's undershirts, excessively baggy, short, or tight clothing, sweatpants and shorts, for men or women, bare midriffs or excessively sheer fabrics unless adequate cover-up (jacket, sweater, etc.) is worn throughout the work day, and low-cut tops/blouses/shirts/dresses (e.g., if they expose "cleavage" when the employee is standing or sitting in a normal manner). Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for the time away from work.
- B. Employees are required to maintain personal cleanliness by bathing daily; maintaining daily oral hygiene (brushing of teeth); using deodorant/antiperspirant to minimize body odor; refraining from the use of heavily scented perfumes, colognes and lotions; maintaining clean and trimmed fingernails; and washing hands after eating or using the restrooms.
- C. An employee should consult their elected official or department director if they have questions as to what constitutes appropriate attire.

15.7 Weapons in the Work Place. It is the policy of the County that employees are strictly prohibited from introducing, possessing, using, buying, or selling weapons, firearms, ammunition, explosives, or other items constituting deadly weapons pursuant to NMSA 1978, § 30-1-12 (B) (1963), as amended, said weapons are prohibited on any premises controlled by the County.

- A. The aforementioned policy statement regarding the possession of firearms or other dangerous items does not pertain to deputies commissioned by and for the Sheriff's Department, Animal Control officers or those Detention officers authorized to carry firearms by the director of the Detention Center, when said employees are in the lawful performance and discharge of their duties.

- B. The aforementioned policy statement regarding the possession of firearms does not prohibit an employee who lawfully possesses a firearm and/or ammunition from transporting or storing a firearm or ammunition in a locked privately owned motor vehicle in a county parking lot or parking area.
- C. The aforementioned policy statement regarding the possession of firearms does not prohibit an employee with a valid concealed handgun license to carry a handgun consistent with the limitations imposed by NMSA 1978, Section 29-19-1 *et seq.*
- D. If an employee has questions about this policy, or becomes aware of anyone acting in violation of this policy, the employee shall contact the elected official or department director immediately.
- E. Failure to abide by the terms of this policy may result in discipline up to and including dismissal.

15.8 Searches & Surveillance. The County's employees should not expect privacy in their personal effects while on County property or on County time. Employee workplaces may be subject to video surveillance. The County may search lockers, desks, toolboxes, lunch sacks, clothing, County internet, County e-mail or County computer accounts and County electronic media/storage, a County vehicle, and any other item in which an unauthorized weapon or other contraband may be hidden. To the extent that an employee refuses to permit a search, such refusal may constitute grounds for disciplinary action.

15.9 Workplace Violence. The County provides a safe work place for all employees. To ensure a safe workplace and to reduce the risk of violence, all employees should review and understand all provisions of this Workplace Violence policy. All employees, including managers and supervisors, are responsible for using safe work practices, for following all directives, policies and procedures, and for assisting in maintaining a safe and secure work environment.

- A. **Prohibited Conduct.** The County does not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities. This list of behaviors, while not inclusive, provides examples of conduct that is prohibited.
 - 1. Causing physical injury to another person;
 - 2. Making threatening remarks;
 - 3. Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
 - 4. Intentionally damaging County property or property of another employee;
 - 5. Possession of a weapon (refer to Section 15.7) while on County property or while on County business;
 - 6. Committing acts motivated by, or related to, sexual harassment, harassment or domestic violence.
- B. **Reporting Procedures.** Any potentially dangerous situations must be reported immediately in writing to a supervisor or the County Manager's office. All reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis. All parties involved in a situation will be counseled and the results of investigations will be discussed with them. The County will actively intervene at any indication of a possibly hostile or violent situation.

- C. Risk Reduction Measures. Hiring: The County takes reasonable measures to conduct background investigations to review candidate's backgrounds and reduce the risk of hiring individuals with a history of violent behavior.
- D. Safety: The risk management carrier conducts annual inspections of the premises to evaluate and determine any vulnerability to workplace violence or hazards. Any necessary corrective action will be taken to reduce all identified risk areas.
- E. Individual Situations: While the County does not expect employees to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform their supervisor or department director if any employee exhibits behavior which could be a sign of a potentially dangerous situation. Such behavior includes:
 - 1. Discussing the use of weapons in a threatening manner related to the workplace, or bringing them to the workplace;
 - 2. Displaying overt signs of extreme stress, resentment, hostility, or anger;
 - 3. Making threatening remarks;
 - 4. Sudden or significant deterioration of performance;
 - 5. Displaying irrational or inappropriate behavior.
- F. Dangerous/Emergency Situations. Employees who are confronted by or encounter an armed or dangerous person should not attempt to challenge or disarm the individual.
- G. Enforcement. Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to corrective or disciplinary action, up to and including dismissal. Non-employees engaged in violent acts on the County's premises will be reported to the proper authorities.

15.10 Final Paycheck. An employee who resigns shall receive a final paycheck on the first regularly scheduled payday following the employee's effective date of resignation. Any employee who is dismissed shall receive a full paycheck by 5:00 p.m. on the fifth (5th) working day following dismissal or on the next payday, whichever occurs first, or as required by law. In the case of death, final salary and compensation for unused annual leave shall be paid to the employee's named beneficiary or, if unnamed, to the employee's estate, on the next regularly scheduled payday.

15.11 Uniforms. An employee in a designated job with the County may be required to wear special clothing to perform the job function with patches, badges or other distinctive items as approved by the elected official, department director or the County Manager.

- A. Employees whose job calls for a uniform and who receive a uniform allowance or a uniform must wear the uniform whenever they are on duty. Uniforms are to be worn in the manner that they were intended to be worn and are not to be modified to satisfy personal desires. For example, you cannot cut off sleeves or collars or remove patches, etc. Section supervisors or foremen are responsible for insuring that each employee wears the uniform in a neat and clean condition.
- B. The selected top wear of the uniform must be a shirt and **must** have the appropriate patches sewn on. At the time uniforms are selected, field employees and mechanics may select a pair of coveralls in lieu of a set of regular uniforms, unless the job prohibits

wearing coveralls. Management may choose to provide insulated coveralls where warranted by working conditions.

- C. **Safety Shoe/Boot Program.** Drivers, mechanics, and other employees designated by the department to participate in the safety shoe/boot program will be required to wear this safety footwear while on duty. Shoes or boots purchased as safety shoes/boots shall be ANSI-approved (ANSI Z41-1991 standards) and shall be steel-toed in order to qualify for departmental reimbursement. Prior approval from the department director or his designee must be obtained before purchase of another type of safety shoe/boots.
- D. **Other Safety-Related Attire.** The County emphasizes safety as a primary focus of our activities and will provide necessary safety attire when needed or requested by the employee and approved by the department director or elected official. Safety attire, such as gloves, safety vests, hearing protection devices, safety glasses, disposable coveralls for spraying, and respirators, are important work items and are to be used and maintained by the employee once issued. These items should be maintained as required and turned in for replacement or when no longer needed for the intended activity.
 - 1. *Gloves:* Employees who need gloves (canvas, leather, palm, or all leather) to perform their assigned work shall be furnished gloves by the department at no charge to the employee, providing they turn in their old worn out gloves.
 - 2. *Badges,* if issued to security service employees, will be provided by the department at the department's expense. Any misuse of the badge may lead to corrective/disciplinary action being taken against the individual who misused his/her badge.
- E. **Caps or Hats.** Employees who work outdoors are encouraged to wear a cap or hat to protect them from the elements, including sun rays. Departments are granted authority, if for safety or security purposes, to promulgate additional policies regarding the wearing of caps or hats in specific work environments. It is encouraged that caps with the County and Department emblem be worn whenever possible, but this is not a mandatory requirement unless for safety or security purposes.

15.12 Return of Uniforms, Equipment & County Property. Upon severance from County service, all County issued uniforms, equipment, keys, cellular phones, laptop computers, etc. shall be returned to the County. Failure to do so shall result in a deduction for cost of replacement of the items from the employee's final paycheck and possible legal action to recover return of security sensitive items.

15.13 Gifts, Gratuities or Kickbacks. All employees are prohibited from accepting gifts or other considerations from anyone given with intent of modifying the employee's performance of duties or encouraging the employees to make purchases from the individual or business involved. Employees will maintain the highest moral standards and any attempt to influence employee's performance by a vendor or other person will be reported to the department director or elected official and to the County Manager.

- A. It is unlawful for any County employee, as defined in §13-1-28 NMSA 1978, to participate directly or indirectly in a procurement when the employee knows that the employee or any member of the employee's immediate family has a financial interest in the business seeking or obtaining a contract. An employee or any member of an employee's immediate family who holds a financial interest in a disclosed blind trust shall

not be deemed to have a financial interest with regard to matters pertaining to that trust. (§13-1-190 NMSA 1978)

- B. Contingent fees prohibited. It is unlawful for a person or business to be retained or for a business to retain a person or business to solicit or secure a contract upon an agreement or understanding that the compensation is contingent upon the award of the contract, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business and persons or businesses employed by the County which are providing professional services to the County in anticipation of the receipt of federal or state grants or loans (§13-1-192 NMSA 1978).
- C. Contemporaneous employment prohibited. It is unlawful for a County employee who is participating directly or indirectly in the procurement process to become or to be, while such an employee, the employee of any person or business contracting with the County by whom the employee is employed (§13-1-193 NMSA 1978).
- D. Use of confidential information prohibited. It is unlawful for any County employee or former employee knowingly to use confidential information for actual or anticipated personal gain or for the actual or anticipated personal gain of any other person (§13-1-194 NMSA 1978).

15.14 Normal Work Hours. Normal work hours will be based on a forty (40) hour work week. All County offices shall be open from 8:00 a.m. to 5:00 p.m. Monday through Friday; unless a different forty (40) hour work schedule is approved by the elected official/department director and the County Manager. During a normal work day, the department director or elected official may authorize an unpaid full one-hour lunch breaks in accordance with departmental scheduling needs.

15.15 Reduced Work Hours. The Board may reduce the number of work hours by resolution if the Board determines that the County budget will not sustain the normal work hours. Reduced work hours will apply to all full time employees of the County, with the possible exception of those employees in safety-sensitive or security-sensitive positions.

15.16 Separation from Service with the County. Upon an employee's termination or resignation from the County, he or she will be entitled to an exit interview process with the Human Resources Director, and the elected official and/or the department director.

XVIII. SECTION XVI: AUTHORITY

16.1 Rules. These rules are promulgated on the authority granted in state and federal law and the Ordinance providing for these Rules.

16.2 Savings Clause. If any article, section, paragraph, clause, word or phrase of this Ordinance is held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

XIX. SECTION XVII: REPEAL OF FORMER PERSONNEL POLICY

Socorro County Ordinances 2013-001, 2014-004, 2014-006, 2015-001 and 2015-003 are hereby repealed, as well as all other Socorro County Ordinances or Resolutions relating to personnel which are in conflict with the above provisions, by the adoption of this Ordinance.

APPROVED, ADOPTED, AND PASSED on this _____ day of _____, 2016.

EFFECTIVE _____

BOARD OF COUNTY COMMISSIONERS

PAULINE JARAMILLO, CHAIR
DISTRICT I

MARTHA SALAS, VICE-CHAIR
DISTRICT II

MANUEL ANAYA, COMMISSIONER
DISTRICT III

DANNY MONETTE, COMMISSIONER
DISTRICT IV

JUAN JOSE GUTIERREZ, COMMISSIONER
DISTRICT V

ATTEST BY:

REBECCA (BECKY) VEGA, COUNTY CLERK

XX. EMPLOYEE ACKNOWLEDGEMENT FORM

SOCORRO COUNTY EMPLOYEE RECEIPT OF PERSONNEL POLICY ORDINANCE
2016-002.

I _____ acknowledge that on _____
(print name of employee) (date)

I received an electronic/hard copy of the Socorro County Personnel Policy Ordinance 2016-001. I understand that the Personnel Policy is the law that controls, explains and provides the terms of and conditions of my employment with the County of Socorro. I further understand that I am responsible for compliance with all Socorro County Policies, which can be found on the County's website at www.SocorroCounty.net. I further understand that this receipt will be placed in my employment file as evidence of my having been given a copy the policy.

(Signature of Employee)